

\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2517/2017 & CRL.M.A. 10503/2017**

PARVEEN KAPOOR

..... Petitioner

Through: Mr. Amitesh Gaurav, Advocate with
petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms. Aashaa Tiwari, APP for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

19.09.2018

No one appears for respondent No. 2. Even on the last date of hearing, respondent No. 2 had remained unrepresented.

Petition under Section 125 Cr.P.C. filed by the petitioner before the Trial Court was dismissed in default on 23.08.2016 and was restored vide order dated 13.04.2017. However, Trial Court has ordered that petitioner will not be entitled to claim maintenance from the date on which the petitioner first absented i.e. on 25.04.2016 till the revival of the petition i.e. on 13.04.2017.

In my opinion, Trial Court has erred in depriving the petitioner of maintenance from 25.04.2016 since the petition was, in fact, dismissed in default on 23.08.2016. Accordingly, the impugned order is modified to the extent that the petitioner will not be entitled to claim maintenance during the period when petition remained dismissed in default i.e. from 23.08.2016 to 13.04.2017.

The petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J

SEPTEMBER 19, 2018

rd