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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 27.11.2018

+ CRL.REV.P. 541/2017 & CrI. M.A. 11949/2017 & CrI. M.A.
3559/2018

VASU DEV SHARMA

..... Petitioner

versus

SMT NAINA GAUTAM

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Vijay Sharma, Adv.

For the Respondent : Mr. Rahul Saxena, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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27.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 10.07.2017 whereby the petitioner was directed to pay an amount of Rs. 1,80,000/- to the respondent in three equal monthly instalments.

2. The challenge of the petitioner to order dated 10.07.2017 is that the said order was consequential to order dated 30.04.2016 wherein ad-interim maintenance of Rs. 15,000/- per month was assessed by the trial court.

3. Learned counsel for the petitioner submits that the petitioner

has filed an application before the Trial Court seeking recall of order dated 30.04.2016, *inter-alia* on the ground that there were certain concealments.

4. Learned counsel for the respondent submits that there were no concealment and the order dated 30.04.2016 was passed on merits and the application filed by the petitioner before the trial court is not maintainable.

5. Without getting into controversy, it is noticed that the proceedings before the trial court are stalled to await the outcome of the present revision petition.

6. I am of the view that since order dated 10.07.2017 is consequential to order dated 30.04.2016, the fate of order dated 10.07.2017 is dependent on the application filed by the petitioner seeking recall of the order dated 30.04.2016.

7. In case the trial court modifies or sets aside order dated 30.04.2016, appropriate consequential modification of the direction issued by order dated 10.07.2017, to pay Rs. 1,80,000/-, would be implicit. In case the Trial Court upholds order dated 30.04.2016, the petitioner would have to comply with order dated 10.07.2017.

8. It is noticed that the order dated 10.07.2017 was modified by this Court by interim order dated 27.07.2017 and the petitioner was directed to pay 50% of the said amount.

9. It is accordingly directed that the order dated 27.07.2017, directing the petitioner to pay 50% of the amount, directed to be paid by order dated 10.07.2017, shall enure till the decision by the Trial Court, on the application filed by the petitioner for recall of order dated 30.04.2016.

10. It is clarified that the trial court will be at liberty to consider the said application without being influenced by anything stated in this order or in order dated 27.07.2017. The application shall be considered and disposed of, in accordance with law, preferably within a period of one month from the next date before the trial court.

11. The petition is disposed of with the aforesaid directions. It is clarified that this is without prejudice to the rights and contentions of the parties.

12. Order *dasti* under signatures of the Court Master.

NOVEMBER 27, 2018 **SANJEEV SACHDEVA, J**
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