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

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Judgment delivered on: 20.02.2018

+ **CRL.REV.P.611/2017**

MOHD. KAFIL

..... Petitioner

versus

SUMBUL

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr Manu Sishodia, Mr Mahendra Bairwa
and Mr Abhishek Bansiwal.

For the Respondent :

None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.02.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 13386/2017(exemption)

Allowed, subject to all just exceptions.

**CRL.REV.P. 611/2017 & CM No.13385/2017(stay) &
Crl.M.A.13384/2017(delay in filing for 313 days)**

1. The petitioner impugns order dated 13.07.2016, whereby the Trial Court has fixed *ad interim* maintenance at the rate of Rs.4500/-

effective from the date of the application (i.e. 26.10.2015) and further impugns order dated 06.07.2017, whereby costs of Rs.5,000/- have been imposed on the petitioner for not complying with order dated 13.07.2016.

2. Learned counsel for the petitioner submits that the order dated 13.07.2016 itself shows that the said order was passed without service of notice on the petitioner and without calling for a response from the petitioner. He contends that the said order has been passed without considering the respective income affidavits and capabilities of the parties.

3. Learned counsel, without prejudice, submits that even though the petitioner is not in a position to pay the said amount, however, without prejudice to his rights and contentions, he shall make some arrangements and subject to adjustment on an adjudication by the Court, he shall pay the entire arrears of the amount assessed at the rate of Rs.4,500/- per month with effect from 26.10.2015, i.e. Rs.1,26,000/- in four instalments within a period of two months from today.

4. Learned counsel for the respondent is agreeable to the suggestion.

5. In view of the above, the Petition is disposed of directing the petitioner to pay a sum of Rs.1,26,000/- to respondent in four

instalments of Rs.31,500/- each payable on 26.02.2018, 12.03.2018, 02.04.2018 and 16.04.2018.

6. The said payments will be without prejudice to the rights and contentions of the parties and shall be subject to adjustment on an adjudication being made by the Trial Court.

7. It has been informed that the next date before the Trial Court is 25.04.2018.

8. Since the parties have already filed their pleadings, the Trial Court is directed to consider the same and pass a final order, as expeditiously as possible, on the application of the respondent. In case, for any reason, the final order cannot be passed, the Trial Court shall endeavour to pass an order fixing *ad interim* maintenance on 25.04.2018.

9. The Petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

February 20, 2018

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