

\$~1

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

+ CRL.M.C. 3836/2015 and CrI.M.A.13587/2015

SHANKER SINGH BISHT

..... Petitioner

Through: Mr. Prosenjeet Banerjee, Advocate
with Mr. Neeraj Kumar, & Mr. Arpit
Kumar Singh, Advocate

versus

REKHA BISHT

..... Respondent

Through: Mr. Vipin Malik, proxy counsel.
Mr. Rajeev Bajaj, Advocate/
DHCLSC with respondent in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

21.12.2018

The counsel for the respondent is again in some difficulty, his proxy being present. The respondent, on the other hand, insisted that the matter be heard today as she has brought her child to the court, keeping in view his medical condition she being unable to survive further without the matter being adjudicated upon. On her request, Mr. Rajeev Bajaj, Advocate has been appointed as *Amicus Curiae* to assist the court. In order to facilitate full and proper instructions being taken, the matter was passed over and, thereafter, on it being mentioned, it has been taken up for final disposal.

After some hearing, the counsel for the petitioner, having taken instructions, submitted that the petitioner undertakes to abide by the order dated 18.02.2015 of the Metropolitan Magistrate in the case under Domestic Violence Act (CC No.505V/12) instituted by the respondent, it being an

interim order of maintenance for the respondent wife and the child of the parties, who is in the care and custody of the respondent, such compliance being without prejudice to his defences and contentions on merits, his only request being that while he undertakes to scrupulously pay the current maintenance allowance, month by month, in terms of the abovesaid order of the Metropolitan Magistrate, without any further default, in order to liquidate the arrears he needs permission of the court to pay the same in instalments of Rs.50,000/- (Rupees Fifty Thousand Only) per quarter, the first such instalment being payable on 7th March, 2019, followed by similar payments each quarter, beginning 7th June, 2019 and 7th September, 2019 and so on, till responsibility towards the arrears is fully discharged. Ordered accordingly.

The petitioner also requests for direction to the trial court to expedite the conclusion of the case.

The petitioner is bound by the undertakings given, it being made clear, as a condition, that in case of any default in future in compliance with this undertaking, he would not be entitled to contest.

The petition and the application filed therewith are dismissed as withdrawn.

The Metropolitan Magistrate is requested to expedite the case so that it reaches final adjudication at an early date.

Dasti to both sides.

R.K.GAUBA, J.

DECEMBER 21, 2018

vk

CRL.M.C. 3836/2015

Page 2 of 2