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

+ **CRL.REV.P. 1013/2018**

SUKHPAL

..... Petitioner

Through: Mr. Harsh Kumar, Advocate

versus

RATI RAM & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.11.2018

CRL.M.A.47696/2018

Allowed, subject to all just exceptions. The application is disposed of.

CRL.REV.P. 1013/2018 & CRL.M.A.47694-95/2018

1. Learned counsel for the petitioner submitted that the impugned order dated 12.11.2018 clearly demonstrates that submissions were made before the learned Trial Court that the petitioner (respondent No.1 before the Trial Court) has been ousted from his home by respondent No.1 (petitioner before the Trial Court) and the respondent No.1 is living in a five-storey house and is getting rental income of Rs.10,000 per month from the floor and the petitioner herein had expressed his inability to pay any maintenance to the respondent No.1 (petitioner before

the Trial Court) on the ground of his financial constraints, including illness of self and his wife.

2. Learned counsel for the petitioner submitted that on 12.11.2018, simply appearance was put in by the petitioner and without any opportunity of filing a reply to the petition, the impugned order was passed. Learned counsel for the petitioner further submitted that in case he is given an opportunity to file a reply and move an application for modification of the impugned order, he will withdraw the present petition. Learned counsel for the petitioner is given an opportunity to file a reply and move an application for modification of the impugned order before the Trial Court.

3. Accordingly, the petition is dismissed as withdrawn, with liberty as prayed. The learned Trial Court may consider the reply and application, if any moved by the petitioner, on merits. It is clarified that this Court has not expressed any opinion on merits of the present petition and the application, if any, filed by the petitioner before the Trial Court. Pending applications are also dismissed as withdrawn.

CHANDER SHEKHAR, J

NOVEMBER 20, 2018

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