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

+ CRL.M.C. 302/2018

MD. IRFAN QURASHI Petitioner
Through Mr. Shahbaz Ahmad, Adv.

Versus

DEEBA FARAH Respondent
Through Mr. Jagdish Singh Rajput and Mr.
Rajan Kashyap, Advs.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **16.02.2018**

Vide order dated 6th May, 2017 trial court struck off the defence of petitioner on the ground of non-payment of arrears of interim maintenance. Petitioner preferred a criminal appeal being Crl. Appeal no. 18/2017 but the same was also dismissed on the ground that arrears of maintenance were not cleared nor petitioner was having bonafide intention to pay arrears of maintenance.

Learned counsel for the petitioner submits that petitioner has already paid ₹9,59,000/- as on date. Petitioner is paying current maintenance regularly before the trial court. It is submitted, as per the calculation of petitioner, that arrears of maintenance are ₹4,27,000/-.

Learned counsel for the respondent submits that arrears of maintenance are to the tune of ₹5,70,000/-. Petitioner has handed over a cheque for ₹2,20,000/- to the respondent in Court and a post-dated cheque for a sum of ₹1,89,000/- dated 1st March, 2018 has also been handed over. Cheques have been accepted by the respondent, subject to realization.

Since substantial amount of arrears stands paid, I am of the view that interest of justice demands that defence of the petitioner is restored, subject to, however, his clearing arrears of maintenance on or before 27th March, 2018. Calculation regarding arrears of maintenance is to be gone into by the trial court.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

FEBRUARY 16, 2018
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