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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 52/2014 & CRL.M.A.36763/2019**

MAMTA SHARMA Petitioner

Through: Mr. Sajan K. Singh, Mr.
Deepak Gupta & Ms. Neha
Sharma, Advocates

versus

GOPAL Respondent

Through: Ms. Nidhi Banga, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **24.09.2019**

CRL.M.A. 36763/2019 (for condonation of delay)

In view of the cause submitted in the application, the delay in filing the reply is condoned and the same is taken on record. Application stands disposed of.

CRL.REV.P. 52/2014

1. This is a petition under Section 19(4) of the Family Courts Act, 1984 against the judgment dated 30.1.2012 passed by learned Judge, Family Courts, Rohini, Delhi in Matrimonial Case No.79/2010 under Section 125 of the Code of Criminal Procedure, 1973 (Cr.PC).

2. Learned counsel for the parties submitted that this Court, vide order dated 19.7.2018, set aside the impugned order dated 30.1.2012 and the SLP filed by the respondent against the order dated 19.7.2018 was dismissed by the Supreme Court on 17.9.2018.

3. Learned counsel for the parties submitted that the Trial Court, vide order dated 30.1.2012, denied the maintenance to the petitioner on the ground that the petitioner was not the wife of the respondent.

4. Learned counsel for the parties submitted that since the impugned order has been set aside by this Court vide order dated 19.7.2018, the question of maintenance, if any, to the petitioner has to be decided by way of evidence, hence, the matter may be remanded back to the Trial Court for giving an opportunity to the parties to lead evidence and decide the petition under Section 125 of the Cr.PC in accordance with law, in light of the order passed by this Court on 19.7.2018. Learned counsel for the parties submitted that a date may be fixed before the Trial Court.

5. Accordingly, the matter is remanded back to the Trial Court, where the parties shall appear on 15.10.2019 at 10:00 am. The Trial Court shall give both the parties opportunity to lead evidence in support of their claims/defence. It is expected that the Trial Court shall dispose of the petition expeditiously in accordance with law.

6. The petition is disposed of. Pending application is also disposed of.

CHANDER SHEKHAR, J

SEPTEMBER 24, 2019

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