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

+ **MAT.APP.(F.C.) 14/2019 & CM APPL. No. 1855-1858/2019**

GAURAV GUPTA

..... Appellant

Through: Mr.Lalit Choudhary, Mr.Himanshu
Sharma and Mr.Jaskirat Singh Narula,
Advocates.

versus

SHEETAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.01.2019**

The present appeal has been filed by the appellant/husband being aggrieved by the order dated 30.01.2017 passed by Principal Judge, the Family Court (South-East), Saket Courts, New Delhi, on an application filed by the respondent/wife under Section 24 of the Hindu Marriage Act. The sum and substance of the impugned order is that since in the proceedings arising out of Section 125 of Code of Criminal Procedure, 1973 (Cr.P.C) is sum of Rs.50,000/- has been fixed and proceedings under Section 24 of the Hindu Marriage Act being parallel in nature, the application was disposed of, endorsing the same amount of maintenance fixed in the proceedings under Section 125 Cr.P.C.

Learned counsel for the appellant submits that the respondent has filed two separate execution petitions. It is submitted that since first

execution proceeding arising of the proceedings under Section 125 Cr.P.C is pending, the second execution proceeding would not be maintainable.

We have heard the learned counsel for the appellant.

Since the respondent has already opted to execute the order passed under Section 125 Cr.P.C, second execution would not be maintainable. However, it would be open for the respondent to either press the execution petition arising out of the order passed under Section 125 Cr.P.C or the execution petition arising out of the order passed under Section 24 of the Hindu Marriage Act.

With these directions as prayed, appeal and all applications are disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 16, 2019

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