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

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Judgment delivered on: 19.08.2019

+ CRL.REV.P. 137/2017 & CrI. M.A. 8320/2017 & 11335/2017

INDRAJIT BOSE

..... Petitioner

versus

SHARMISTHA BOSE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.S.V.Rateria, Adv.

For the Respondent : Mr.Ashutosh Bhattacharjee, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns judgment dated 14.12.2016 whereby the appeal of the petitioner impugning order dated 16.01.2015 of the Trial Court fixing interim maintenance was rejected. Interim maintenance of Rs.5000/- per month was fixed by the Trial Court.

2. Learned counsel for the petitioner submits that by order dated 22.05.2017, on default of the petitioner to pay the arrears of maintenance, his defence has been struck off.

3. Learned counsel for the parties agree that on petitioner paying the entire arrears of maintenance to the respondent in two equal instalments, first instalment being paid on or before 26.08.2019 and the second

instalment being paid on or before 25.09.2019, the order dated 22.05.2017 be set aside and petitioner be given an opportunity to defend the petition.

4. With the consent of the parties, it is directed that on petitioner paying the entire arrears of maintenance in two equal instalments as noticed above, order dated 22.05.2017 striking off the defence of the petitioner is set aside. Petitioner is given an opportunity to defend the petition and also to cross examine the witnesses of the respondent wife and further lead his evidence.

5. It is also agreed that petitioner shall continue to pay interim maintenance at the rate of Rs.5000/- per month till the Trial Court decides the maintenance proceedings finally.

6. In view of the fact that the parties have been litigating for a long period, the Trial Court is directed to expedite the proceedings and endeavour to conclude the same within six months from the next date of hearing before it.

7. Petition is disposed of with the aforesaid directions.

8. Order *Dasti* under signatures of the Court Master.

AUGUST 19, 2019
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SANJEEV SACHDEVA, J