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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 272/2014 & CRL.M.A.178/2015
KAVITA DEVI & ORS Petitioners
Through: Mr. R.K. Sharma, Advocate

versus

ANIL KUMAR Respondent
Through: Mr. Kuldeep Gola, Advocate

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **22.02.2019**

1. Learned counsel for the petitioners submitted that he is restricting his challenge to the claim for the maintenance only *qua* petitioner Nos.1 and 4, as petitioners Nos.2 and 3 have already been granted maintenance by the Trial Court. Learned counsel for the petitioners further submitted that the impugned judgment dated 8.1.2014 in M. No.136/09 was passed under Section 125 of the Code of Criminal Procedure, 1973 (Cr.PC). Learned counsel for the petitioners further submitted that simultaneously, a petition under Sections 13 (1) (ia) of the Hindu Marriage Act, 1955 granting divorce to the respondent was also decided by the competent court vide separate judgment dated 8.1.2014. It is further submitted that the judgment dated 8.1.2014 granting divorce was challenged by the petitioners before this Court and this Court, vide judgment

dated 24.8.2016 in Mat. App. No.47/2014, set aside the impugned judgment dated 8.1.2014. It is also submitted that the judgment passed by this Court in Mat. App. No.47/2014 was challenged by the respondent before the Supreme Court in SLP(C) No.5826/2017, however, the same was dismissed by the Supreme Court vide order dated 18.5.2018.

2. After some arguments, learned counsel for the parties submitted that the impugned judgment dated 8.1.2014 in the petition under Section 125 Cr PC, passed by the Trial Court in M. No.136/09 may be set aside and the matter be remanded back to the Trial Court for deciding the same, in view of the subsequent development due to the passing of the judgment by this Court on 24.8.2016 in Mat. App. No.47/2014. It is further submitted that the Trial court may be directed to dispose of the matter within six months.

3. Accordingly, in view of the submissions of the learned counsel for the parties, the impugned judgment dated 8.1.2014 in M. No.136/09 concerning petitioner Nos.1 and 4, is set aside and the matter is remanded back to the Trial Court, which shall decide the same afresh *qua* the petitioner Nos.1 and 4, taking into consideration also the effect of the judgment of this Court, dated 24.8.2016 in Mat. App. No.47/2014. The parties are directed to appear before the Trial Court on 2.3.2019 at 2:30 pm. The Trial Court is directed to decide the matter positively within six months.

4. Petition is disposed of in the above terms. Pending application is also disposed of. Parties to bear their own costs.

CHANDER SHEKHAR, J

FEBRUARY 22, 2019

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