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

+ CRL.M.C. 4028/2016 and Crl. M.A. Nos.16834/2016, 16960/2017
and 9843/2018

YOGESH RAJ CHABRIA Petitioner
Through: Mr. H.S.Uppal and Mr. Mohit Dewan,
Advocates

versus

MONICA CHABRIA & ANR. Respondents
Through: Mr. Anunaya Mehta and Mr. Akshay
Deep Singhal, Advocates with respondent no.1 in
person

+ CRL.M.C. 5268/2017

MONICA CHABRIA & ANR Petitioners
Through: Through: Mr. Anunaya Mehta and Mr.
Akshay Deep Singhal, Advocates with petitioner
no.1 in person

versus

YOGESH RAJ CHABRIA Respondent
Through: Mr. H.S.Uppal and Mr. Mohit Dewan,
Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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18.03.2019

Both these petitions arise out of the same proceedings pending
before the Principal Judge, Family Court for North District at Rohini
assailing the same order (05.10.2016) whereby interim directions
were given for maintenance allowance to be paid in favour of Monica

CRL.M.C. 4028/2016 & 5268/17

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Chabria and Master Maulik (a minor child), Yogesh Raj Chabria being the person held accountable for compliance.

The first captioned petition is by Yogesh Raj Chabria, who is the husband of Monica Chabria and father of Master Maulik while the second petition is by the said wife and child of Yogesh Raj Chabria, each being dissatisfied with the amount of maintenance allowance tentatively determined by the Principal Judge, Family Courts, such order having been passed on application (Mt 93/15) preferred by Monica Chabria and Maulik Chabria against Yogesh Raj Chabria invoking the jurisdiction under Section 125 of the Court of the Criminal Procedure, 1973.

After some hearing, the learned counsel on both sides in these two connected matters fairly conceded that the impugned order being interlocutory in nature, revisional challenge being impermissible, it will not be proper for this court to exercise the inherent power and jurisdiction under Article 227 of the Constitution of India read with Section 482 Cr. PC to interfere at this stage, it being desirable that the contentions urged by each side are adjudicated upon on the basis of evidence which is in the process of being adduced in inquiry on the main petition which has been pending.

The counsel on both sides agree that since the petition before the Family Court has been pending now for over three years, there being no other litigation now subsisting, it is desirable that the petition is decided by the said Court at an early date, the proceedings to be undertaken expeditiously, both sides agreeing that

they would render full cooperation to the concerned court in this behalf. At the same time, it is indicated that there is a possibility of amicable resolution, parties submitting that they would request the Family Court to refer them to the process of mediation to make an attempt to amicably resolve the dispute though at the same time undertaking that such process will not be allowed to cause any further delay. Both sides further agree that the interim order (stated to be 05.10.2016) would be abided by, in letter and spirit, it being subject to the final decision on the main petition.

Ordered accordingly.

Both the petitions and the applications filed therewith are dismissed as withdrawn as is the prayer now made. This court hopes and expects that the Principal Judge, Family Court will render a final decision, based on the evidence adduced before the said forum, at an early date preferably within six months of the date next fixed (stated to be 15.04.2019).

MARCH 18, 2019

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R.K.GAUBA, J