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

+ CRL.REV.P. 310/2019 and CRL.M.A. 5688/2019

SHRI VIJAY

..... Petitioner

Through: Mr Sumit Kumar Khatri, Advocate.

versus

SMT. REENA

..... Respondent

Through: Mr Vijay Kinger, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.03.2020

1. The petitioner filed the present petition, *inter alia*, impugning an order dated 25.01.2019 (hereafter “the impugned order”) passed by the learned Family Court in *CC No. 467/2018* captioned “*Smt. Reena v. Shri Vijay*”. By the impugned order, the learned Family Court had rejected the petitioner’s application for recalling an order dated 21.04.2015, whereby the Court had proceeded against the petitioner *ex parte*.
2. The learned Family Court had noted that the proceedings had culminated in a final order dated 13.04.2018, whereby the petitioner was, *inter alia*, directed to pay maintenance at the rate of ₹6,000/- per month from the date of the institution of the application under Section 125 of the Cr.P.C.
3. The Family Court noted that the final order dated 13.04.2018 was not challenged and therefore, the petitioner could not seek to assail the same by indirectly challenging the order dated 21.04.2015, whereby he was proceeded against *ex parte*.

4. After some arguments, the learned counsel appearing for the petitioner states that the petitioner has no difficulty in paying the monthly maintenance and he is also ready to pay the arrears provided he is given some time to do so. The petitioner is present in Court and he undertakes before this Court that he shall clear the arrears of maintenance within a period of three months from today and he would continue to pay the maintenance as awarded. He is bound down to the said undertaking. He has also been explained the consequences of failing to comply with the said undertaking.

5. In view of the above, the present petition is disposed of by extending the time for paying the arrears as undertaken by the petitioner. The pending application is also disposed of.

6. The execution proceedings pending before the learned Family Court shall be deferred for a period of three months from today.

7. Any order directing issuance of non-bailable warrants against the petitioner is, accordingly, set aside.

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

VIBHU BAKHRU, J

MARCH 02, 2020
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