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

+ CRL.REV.P. 210/2020

CHANDAN

..... Petitioner

Through: Mr Sambhu Nath Singh and Ms
Neetu Rai, Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms Meenakshi Chauhan, APP for
State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.03.2020

CRL.M.A. 5057/2020

1. Allowed, subject to all just exceptions.

CRL.REV.P. 210/2020 & CRL.M.A. 5058/2020

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 07.01.2020, whereby the petitioner's application seeking dismissal of respondent no.2's petition under Section 125 of the CrPC on the ground of maintainability, was rejected.

3. The learned Family Court passed an order dated 25.05.2018, granting interim monthly maintenance to respondent no. 2 in an interim application filed by respondent no. 2. The learned Court clarified that the said order was in the nature of an ad interim order and all contentions of the petitioner, including on the maintainability of the petition, were open and would be

decided at the time of finally deciding the interim application.

4. Concededly, the petitioner has filed a reply to respondent no.2's application seeking interim maintenance and apart from contesting the application on merits, the petitioner is also contesting that application on the ground of maintainability.

5. In the circumstances, it was not necessary for the learned Family Court to keep the petitioner's application, seeking dismissal of the petition on maintainability, pending. As clarified by the learned Family Court, all contentions urged by the petitioner, including that respondent no.2's application for maintenance was not maintainable, would be considered while finally deciding that application.

6. This Court finds no infirmity with the said decision. The petition is, accordingly, dismissed. All rights of the petitioner are reserved.

7. The pending application is also disposed of.

VIBHU BAKHRU, J

MARCH 16, 2020
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