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

+ CRL.REV.P. 248/2018 and CrI.M.A.No.5278/2018

YOGENDER

..... Petitioner

Through: In person.

versus

MONIKA & ANR

..... Respondents

Through: Mr.Anil Kr. Sharma and Mr.Vikram
Mawri, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.01.2020

1. The petitioner is present in person and submits that he has complied with the previous directions of the Court and has paid an amount of Rs.90,000/- to the respondents towards the arrears of maintenance amount, which is duly acknowledged by learned counsel for the respondents.
2. The present proceedings are instituted by the petitioner under Section 397/401 Cr.P.C. seeking setting aside the order dated 12.12.2017, passed by the Principal Judge, Family Courts, in CC No.1305/2014 vide which the petitioner's application to set aside the ex-parte proceedings was dismissed.
3. It has been stated that on the relevant date, the petitioner being resident of Meerut, got late, resulting in passing of the impugned order, whereby he was directed to be proceeded ex parte on 04.01.2017. However, the petitioner assures the Court that he shall remain present on each and

every date of hearing before the Family Court.

4. Subject to payment of cost of Rs.5,000/- to be deposited by the petitioner with the Delhi Legal Services Authority within a period of one week, the impugned order dated 12.12.2017 is set aside. Parties are directed to appear before the Trial Court on the next date fixed before it, which shall pass a fresh order after affording an opportunity of hearing to both the parties.

5. The petition along with the pending application are disposed of in the above terms.

6. Copy of this order be communicated to the concerned Principal Judge, Family Courts, Delhi.

7. *Dasti.*

MANOJ KUMAR OHRI, J

JANUARY 29, 2020

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