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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 697/2018 & CRL.M.A. 30109/2018**
NAVEEN KUMAR GUPTA Petitioner
Through: Mr. K. Singhal, Advocate

Versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: APP for State
Mr. Sudhir Naagar, Advocate with Mr. Yogendra
Singh, Advocate for respondent Nos. 2 to 4

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **12.02.2020**

1. The present petition is directed against the order dated 10.04.2018 passed by the Principal Judge, Family Court in MT No. 48/18 (Earlier CC No. 1392/14) whereby the Principal Judge proceeded ex-parte against the respondents and the maintenance petition was decided granting maintenance @ Rs.65,000/- and Rs.35,000/- per month to respondents no. 2 & 3 respectively.
2. Learned counsel for the petitioner submits that respondent No. 2 had filed complaint case No. 1392/2014 under Section 125 Cr.P.C. seeking maintenance for herself as well as the minor daughter during the proceedings pending before the Family Court.
3. Vide order dated 25.01.2017, the Family Court dismissed the petitioner's application seeking exemption from filing the income affidavit and one last opportunity was granted to the petitioner to file detailed affidavit alongwith documents.

4. The petitioner not only failed to comply with the aforesaid directions but also failed to appear on the subsequent dates, when he was proceeded ex-parte.
5. The aforesaid order was challenged before this Court vide CRL.M.C. 2883/2017.
6. During the pendency of the aforesaid petition before this Court, the Family Court passed the final order on 10.04.2018. Noting the final order dated 10.04.2018 passed by the Family Court, this Court disposed of the aforesaid petition on 12.04.2018.
7. After some arguments, learned counsel for the petitioner, on instructions, submits that the petitioner is ready and willing to file his income affidavit, income-tax returns as well as statement of accounts from the date of filing of the petition within a period of three weeks from today. He further submits that the petitioner will not seek any undue adjournment on any ground whatsoever before the Family Court.
8. Learned counsel for the respondent, on the other hand, submits that the order has attained finality and the petitioner has not only failed to appear but has also not paid any maintenance amount to respondent No. 2 or respondent No. 3 (minor daughter).
9. In view of the assurance and undertaking of the petitioner to not take any undue adjournment and to file his income affidavit alongwith aforesaid documents from the date of filing of the petition till date within a period of three weeks, the impugned order is set aside, subject to payment of cost of Rs.2,00,000/- out of which Rs.1,00,000/- shall be paid to respondent No. 2 and remaining amount of Rs.1,00,000/- shall be paid to respondent No. 3

(minor daughter) by way of an FDR in her name within three weeks.

10. On filing the aforesaid documents, the Family Court shall consider and dispose of the respondent's prayer for grant of interim maintenance preferably within a period of four weeks.

11. The maintenance petition is restored to its original number and the same be listed before the concerned Family Court on 4th March, 2020.

12. With above directions, the petition is disposed of alongwith the pending application.

13. A copy of this order be communicated to the concerned Family Court.

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2020*/p'ma*