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

+ CM(M) 1033/2018

VIJAY GUPTA

..... Petitioner

Through: Mr.Randhir Jain, Mr.Dhananjai Jain,
Mr.Bhoop Singh, Advs.

versus

ANSHU GUPTA & ORS

..... Respondents

Through: Ms.Madhu Tewatia, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.01.2020**

This petition has been filed by the petitioner challenging the order dated 26.07.2018 passed by the learned District and Sessions Judge, Shahdara District, Delhi on an application filed *inter alia* by the petitioner herein seeking an order of attachment before the judgment of the maintenance amount payable to the respondent no.1 under orders of the learned Family Court in HMA no.261/2017.

By the Impugned Order, the learned Trial Court has been pleased to dismiss the said application with cost of Rs.5,000/- payable to the respondents.

The suit has been filed by the petitioner along with his brother, Ajay Gupta, and his wife Sheetal Gupta praying for a decree of damages to the tune of Rs.12 lacs on account of alleged malicious prosecution.

The respondent no.1 herein is the wife of Mr.Ajay Gupta.

In the divorce petition filed by Mr.Ajay Gupta, an order

granting interim maintenance has been passed in favour of the respondent under Section 24 of the HMA Act, 1955.

The Trial Court has rightly dismissed the application seeking attachment of the maintenance and awarded costs on the said application in favour of the respondent no.1.

The learned counsel for the petitioner after arguing for some time, seeks liberty to withdraw the present petition.

I find that the present petition has been filed merely to harass the respondent and for no other purpose.

The petition is dismissed with cost quantified at Rs.10,000/- to be paid to the respondent no.1.

NAVIN CHAWLA, J

JANUARY 27, 2020
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