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

+ **CRL.M.C. 1254/2024**

RITIKA JUNEJA

..... Petitioner

Through: Mr. MC Dhingra, Mr.
Gaurav Dhingra & Ms.
Ritika Juneja, Advs.

versus

ANSHUMAN NARANG

..... Respondent

Through: Mr. Nitin Mehta & Mr.
Arpit Rawat, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.02.2024

CRL.M.A. 4971/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1254/2024 & CRL.M.A. 4972/2024

3. The present petition is filed under Section 482 of the Code of Criminal Procedure (CrPC), challenging the orders dated 21.11.2023 and 30.11.2023 (hereafter '**impugned orders**'), passed by the learned Family Court, North-West, Rohini, Delhi in Mt No.56690/2016 titled "*Ritika Juneja v. Anshuman Narang*".

4. The petitioner is aggrieved by the impugned orders passed by the learned Family Court permitting the respondent to file additional documents.

5. The learned counsel for the petitioner submits that the respondent had approached this Court on an earlier occasion in CRL. M.C. 1563/2023 and CRL. M.C. 5643/2023. He submits that a Coordinate Bench of this Court by order dated 16.10.2023, *CRL.M.C. 1254/2024*

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had disposed of the petitions filed by the respondent directing the learned Family Court to complete the trial within a period of 30 days.

6. He submits that this Court had specifically directed that no party would be permitted to file any application other than those already on record in the proceedings before the learned Family Court. He submits that despite the specific directions passed by this Court, the learned Family Court has allowed the application filed by the respondent and has taken the additional documents on record.

7. The learned counsel for the respondent submits that the additional documents were filed in order to place on record the changed circumstances. He submits that the latest salary slips for the months of September and October 2023, which are relevant to show the income of the respondent, were placed on record. He further submits that the Rent Agreement and documents pertaining to the loan taken by the respondent were also placed on record. The rent was revised from January 2023 and, therefore, a new Rent Agreement was executed. He submits that the said documents were relevant for proving the expenses incurred by the respondent. He submits that the screenshot of the WhatsApp profile of the petitioner was also placed on record in order to show that the petitioner was handling her father's business.

8. The only grievance of the petitioner is the permission granted by the learned Family Court to place additional documents on record. The application filed by the petitioner under Section 125 of the CrPC seems to have been pending since the year 2016. It is not clear as to the reason that prompted the respondent to approach this Court by filing CRL. M.C.1563/2023
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and CRL. M.C 5643/2023. However, it appears that the respondent had challenged certain orders passed by the learned Family Court. The parties had agreed before this Court that they would make all efforts to get the petition filed by the petitioner, adjudicated, expeditiously. This Court in such circumstances, had requested the learned Family Court to dispose of the proceedings within a period of 30 days, and had also directed the parties not to file any application other than those already on record. It is seen that the application was thereafter filed by the respondent and the matter was taken up by the learned Family Court on 21.11.2023.

9. The learned Family Court recorded in the impugned order dated 21.11.2023 that both the parties agreed that they have no objection if the matter is decided by December 2023, and they have undertaken to approach the High Court. The matter was thereafter taken up by the learned Family Court on 30.11.2023.

10. The learned Family Court in the impugned order dated 30.11.2023 noted that no reply to the said application was filed by the petitioner. It noted that the directions have been issued by this Court to expedite the matter and to complete the trial in 30 days. It noted that the petitioner had herself taken several dates to conclude the evidence, due to which the trial could not be completed in 30 days, as directed by this Court. It further noted that both the parties have given no objection that the matter can be decided by the end of December 2023, and in such circumstances, the application for taking the documents on record could be allowed by imposing a cost on the respondent.

11. The learned Family Court after noting the above, allowed the application and imposed the cost of ₹50,000/- on the respondent, payable to the petitioner.

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12. It is an admitted fact that this Court by order dated 16.10.2023 had ordered that the parties shall not be permitted to file any application other than those already on record. Such direction was passed keeping in view the fact that the adjudication of the matter got delayed for one reason or the other.

13. The order for maintenance is passed by a Magistrate under Section 125 of the Cr.P.C upon considering the evidence. The learned Magistrate has to pass an order awarding or denying the monthly allowance for the maintenance of the wife or a child and the same involves adjudication which necessarily has to be on the basis of the evidence produced by the parties. The Court at any stage can permit a party to bring additional evidence if it appears that the same is essential for the just decision of the case. Every litigant has right to plead his case and bring evidence in support of his case. The same, however, cannot be for delaying the proceedings to the prejudice of the other side. It is discretion of the Court to consider the facts and circumstances of the case and pass an order permitting or denying the party to produce additional evidence.

14. At the same time, the Courts are bound by any direction that are issued by a superior Court from time to time. It is true that this Court had directed parties not to file any additional application. The direction not to file additional application was passed by this Court since the directions were issued requesting the learned Trial Court to conclude the proceedings within 30 days.

15. It is noted that the learned Trial Court specifically noted that on 21.11.2023, both the parties submitted that they have no objection if the matter is decided till December, 2023. Thus, the parties had agreed that the learned Trial Court was not in a

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position to conclude the proceedings within a period of 30 days and they had undertaken to approach this Court for appropriate orders. The learned Family Judge on 30.11.2023, noted that since the parties had agreed that the proceedings can be decided by end of December, 2023, the documents sought to be filed by the respondent, though belatedly, ought to be taken on record and the same can be compensated by imposing a cost.

16. The learned Trial Court also noted that the petitioner herself had taken a number of dates to conclude her evidence, due to which the proceedings could not be concluded in 30 days, as requested by the High Court in its order dated 16.10.2023.

17. The documents sought to be placed on record are salary slips, rent agreement, the documents pertaining to the loan and Whatsapp profile of the petitioner, which allegedly show that the petitioner is handling her father's business and is working professionally. The documents though have been filed belatedly, *prima facie*, seems to be of nature that would be relevant for deciding the grant or refusal of the monthly allowance for maintenance to the petitioner.

18. The learned Trial Court has also compensated the petitioner by imposing a cost of ₹50,000/-.

19. In view of the above, I find no infirmity in the order passed by the learned Trial Court. The present petition is, therefore, dismissed.

AMIT MAHAJAN, J

FEBRUARY 15, 2024

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