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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **CRL.REV.P. 526/2024 & CRL.M.A. 11854/2024,
CRL.M.A. 11855/2024**

ARVIND KUMAR

..... Petitioner

Through: Mr. Rajbir Singh Sagar,
Mr. Rajiv Pratap Singh
and Mr. Ravi, Advs.

versus

ANJU@CHANDRA PRABHA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

29.05.2024

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1. The present petition is filed under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**), challenging the proceedings before the learned Family Court, North-East District, Karkardooma Courts, Delhi in execution case being Ex. CrI. No. 456/2023.
2. The execution proceedings were initiated by the respondent, seeking execution of the order dated 03.08.2023 passed by the learned Family Court, North-East District, Karkardooma Courts, Delhi whereby the petitioner was directed to pay a monthly interim maintenance of ₹20,000/- under Section 125 of the CrPC.
3. The learned counsel for the petitioner submits that the petitioner is not in a position to pay the said amount and has therefore challenged the proceeding pending before the Executing Court.
4. The learned counsel for the petitioner further submits that



the order under Section 125 CrPC was passed erroneously without considering the material on record.

5. It is not disputed that the order dated 03.08.2023 has already been challenged and is pending consideration before this Court in CRL.REV.P. 1278/2023.

6. It is not disputed that this Court in the pending proceedings has not stayed the effect of the order dated 03.08.2023. The argument that the order was passed erroneously, would be considered by this Court in CRL.REV.P. 1278/2023.

7. In such circumstances, this Court finds no infirmity in the Executing Court continuing with the execution proceedings for execution of the order dated 03.08.2023.

8. The petitioner cannot be allowed to indirectly challenge and seek stay of the order dated 03.08.2023 by challenging the execution proceedings when the challenge to the said order is admittedly pending.

9. The present petition is, therefore, dismissed.

10. Pending applications also stand disposed of.

AMIT MAHAJAN, J

MAY 29, 2024

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