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

+ **CRL.REV.P. 291/2020**

SEEMA AHUJA

..... Petitioner

Through: **Mr. Arvind Dhingra, Advocate**
(through VC).

versus

DR NEERAJ AHUJA

..... Respondent

Through: **Mr. Satyam Thareja** and
Mr. Pratyaksh S., Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.02.2024

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1. The present petition under Section 397/401 of the CrPC seeks following prayers:-

“In the facts and circumstances of the case, it is most respectfully prayed that this Hon’ble Court may be pleased to:

a. Call for the record of appeal bearing No. CA 17/2019, titled “Dr. Neeraj Ahuja V/s. Seema Ahuja” which has been pending before the court of Dr. Sudhir Kumar Jain, District & Sessions Judge, (NE) KKD Courts, Delhi decided on 10.02.2020,

b. Call for the records of the complaint under section 12 titled "Seema Ahuja V.s Dr. Neeraj Ahuja and others" bearing No. V-124 of 2018, presently pending adjudication before the MM (Mahila Courts) P.S. Bhajanpura, KKD Courts, Delhi; C. Allow the present petition by setting aside the order dated 10.02.2020 passed by the Hon’ble Court of court of Dr. Sudhir Kumar Jain, District d Sessions Judge, (NE) KKD Courts, Delhi in the appeal bearing No. CA 17/2019, titled “Dr. Neeraj Ahuja V/s. Seema 'Ahuja", thereby passing appropriate order of maintenance as claimed by the petitioner

c. Award cost of the proceedings throughout; pass any other and further orders, as may be deemed just and proper, in the facts and circumstances of the case.”



2. Learned counsel appearing on behalf of the petitioner submits that petitioner's appeal, i.e., MAT.APP.(F.C.) 98/2020 against an order dated 21.01.202, passed by the Principal Judge, Family Court, District North-East, Karkardooma Courts, Delhi in HMA No. 29/2018, in an application under Section 24 of the Hindu Marriage Act was allowed and proceedings were remanded back to the learned Family Court for re-adjudication of petitioner's application under Section 24 of the said Act. It is further pointed out that while remanding the matter back to the learned Family Court, the Division Bench fixed the amount of interim maintenance to be paid to the appellant-wife by the respondent-husband, for maintenance of the minor daughter, at Rs. 30,000/- per month. Learned counsel appearing on behalf of the petitioner submits that the re-adjudication is still pending before the Court of competent jurisdiction.

3. In view of the aforesaid, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to file fresh petition if in case the learned Family Court, after re-adjudication, does not grant maintenance for a sum greater than Rs. 25,000/- per month.

4. Leave and liberty granted.

5. The present petition is dismissed as withdrawn and disposed of accordingly.

6. Pending application(s), if any, stands disposed of.

AMIT SHARMA, J

FEBRUARY 01, 2024/sn