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

+ CRL.M.C. 4805/2023
PRATEEK SHARMA

..... Petitioner

Through: Mr. M.S. Khan, Mr. M.
Arshyan, Mr. Dahiyal
Ayyuki & Ms. Shaziya,
Advs. with petitioner in
person

versus

PRIYANKA

..... Respondent

Through: Mr. Akshit Sachdeva &
Ms. Snigdha Sharma,
Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
05.03.2024

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CRL.M.A. 18356/2023 (for exemption)

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

CRL.M.C. 4805/2023 & CRL.M.A. 18355/2023 (for stay)

3. The present petition is filed challenging the order dated 12.05.2023 in Crl. Appeal No. 08/2023, passed by the Principal District & Sessions Judge, East- Karkardooma Courts, New Delhi. The petitioner also challenges the order dated 13.12.2022 passed by the learned Metropolitan Magistrate- Mahila Courts, East District, KKD Courts, Delhi (hereafter 'Trial Court').
4. By an order dated 13.12.2022, the learned Trial Court had struck off the defence of the petitioner on the ground that the petitioner had failed to pay the entire interim maintenance despite there being no order staying the operation of the direction for



interim maintenance.

5. The appeal filed by the petitioner, challenging the order dated 13.12.2022, was dismissed by an order dated 12.05.2023.

6. The learned counsel for the petitioner submits that though there had been delay at times in payment of the interim maintenance as directed by the learned Trial Court but the same were *bona fide* since the petitioner had been facing financial difficulties from time to time. He, however, submits that the entire arrears have been cleared and the petitioner – Prateek Sharma, who is present in Court undertakes that, henceforth, the maintenance for every month would be paid before the seventh of each month.

7. The learned counsel for the respondent opposes the grant of any relief to the petitioner (Prateek Sharma). He submits that the conduct of the petitioner (Prateek Sharma) does not entitle him for any relief. He submits that the respondent was forced to file a contempt petition, which was disposed of by the order dated 02.06.2023, passed by the coordinate Bench of this Court.

8. He submits that the petitioner (Prateek Sharma), after the contempt petition was filed cleared certain amount of arrears but, again defaulted in making further payments.

9. Considering the orders passed by the learned Trial Court and the conduct of the petitioner, this Court finds no infirmity in the impugned order passed by the learned Principal District and Sessions Judge.

10. However, considering the fact that the entire amount of arrears has already been cleared and the present being a matrimonial dispute, this Court considers it apposite to grant one last opportunity to the petitioner (Prateek Sharma). The petitioner (Prateek Sharma) who is present in court also undertakes that the



interim maintenance, henceforth, would be cleared before seventh day of every month.

11. In view of the above, in the interest of justice, the order dated 13.12.2022 passed by the learned Trial Court is set aside and the parties are directed to appear before the learned Trial Court. The learned Trial Court is directed to proceed with Case No. 304/2021 after considering the defence of the petitioner (Prateek Sharma).

12. It is made clear that in case the petitioner (Prateek Sharma) fails to pay the maintenance as directed, subject to any modification by this Court in the other pending proceedings challenging the order of maintenance, the learned Trial Court would be at liberty to pass an appropriate order in accordance with law.

13. All the rights and contentions of the parties are reserved.

14. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 5, 2024

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