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

+ CRL.REV.P. 796/2023 & CRL.M.A. 20008/2023

KRISHAN KANT GUPTA Petitioner

Through: Petitioner in person

versus

SARIKA GUPTA & ANR. Respondents

Through: Mr. Sunil Kumar & Mr.
Prashant Rana, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

21.02.2024

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1. The learned counsel for the respondents, on instructions, very fairly submits that if the petitioner pays the entire arrears within a period of four weeks from today, he has no objection if the defence of the petitioner is restored and the matter pending before the learned Family Court is heard on merits.
2. It is not in dispute that the petitioner, despite the order dated 06.09.2021, awarding *ad interim* maintenance of ₹15,000/- per month to the complainant, had failed to pay the said amount despite there being no stay.
3. The learned Family Court, by order dated 06.08.2022, noting that, despite the order dated 06.09.2021, the petitioner had not paid any amount to the complainant, had struck off the defence of the petitioner.
4. This Court finds no infirmity with the order passed by the learned Family Court. However, in view of the concession as recorded above, this Court is of the opinion that one final



opportunity is granted to the petitioner to defend the proceedings.

5. In view of the above, subject to payment of the entire arrears within a period of four weeks from today, the order dated 06.08.2022 is set aside to the extent that the defence of the petitioner was struck off. The learned Trial Court is directed to take up the matter after four weeks.

6. No further orders are required to be passed at this stage.

7. It is made clear that in case the payment of arrears is not made within a period of four weeks from today, the impugned order dated 06.08.2022 would be restored.

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

AMIT MAHAJAN, J

FEBRUARY 21, 2024
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