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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4370/2022 & CRL.M.A. 20816/2022 & 21535/2023
SATISH GARG Petitioner

Through: Mr.Ashish Verma, Mr.Rajat
Bhatia, Advs.
Mr.Umang Varshney, proxy
counsel for Mr.Dhruv Kumar,
Adv.

versus

SHIKHA GARG & ORS. Respondents

Through: Ms.Swati Bhushan Sharma,
Adv. for R-1.
Mr.Varun Sarin, Mr.Gaurav
Sarin, Ms.Parul Dutta,
Ms.Babita Rawat, Advs. for R-
2 to 7.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.04.2024

1. As Mr.Ashish Verma, learned counsel has entered appearance for the petitioner, Mr.Umang Varshney, Advocate/proxy counsel appearing for Mr.Dhruv Kumar, Adv. is discharged from the case.
2. This petition has been filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 20.08.2022 (hereinafter referred to as the 'Impugned Order') passed by the learned Additional Sessions Judge-04, Shahdara-District, Karkardooma Courts, Delhi in Criminal Appeal being CA No.80/2022, titled as *Shikha Garg v. Satish Garg & Ors.*



3. The learned counsel for the petitioner submits that by an order dated 25.06.2022 passed by the learned Metropolitan Magistrate (Mahila Court)-02, Shahdara-District, Karkardooma Courts, Delhi in CT case No.758/2021, the petitioner had been directed as under:-

“In the event of dispossession of complainant/Applicant from the premises by Aditya Birla Finance Ltd. The husband respondent would be liable to provide same level of alternate accommodation to the complainant to her children as enjoyed by her in shared house hold.”

4. He submits that as the petitioner was in no position to pay the instalments to Aditya Birla Finance Ltd., therefore, the petitioner had been directed to provide same level of alternate accommodation to the respondent and the children as enjoyed by them in the shared household. By the Impugned Order, however, the learned Sessions Judge directed the petitioner to pay the EMIs of the loan taken from the Aditya Birla Finance Ltd. so as to prevent the respondent to be evicted from the shared household.

5. Admittedly, the petitioner did not comply with the said order and the respondent no.1 alongwith the children stand evicted from the shared household. Therefore, as far as the present petition is concerned, the same has been rendered infructuous.

6. The learned counsel for the petitioner submits that the petitioner was always ready and willing to comply with the order dated 19.07.2023 of this court. This aspect is also disputed by the learned counsel for the respondents. She submits that no effort was made by the petitioner to comply with the said order.



7. As far as the issue of non-compliance of the said order by the petitioner and the effect thereof is concerned, the same shall be considered by the learned Trial Court in an appropriate proceedings. This Court has not expressed any opinion on the same.

8. The present petition is disposed of in the above terms. The pending applications also stand disposed of.

NAVIN CHAWLA, J

APRIL 8, 2024/Arya/ss

[Click here to check corrigendum, if any](#)