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

+ CRL.M.C. 5223/2024, CRL.M.A. 19914/2024 & CRL.M.A.
19915/2024

AMAN BABBAR THROUGH POA

.....Petitioner

Through: Mr. Kuljeet Rawal, Mr. Akshit David,
Mr. Aditya Joshi, Advocates.

versus

THE STATE

.....Respondent

Through: Mr. Hitesh Vali, APP for State with SI
Aman Babbar, SI Sonal Raj, PS: Modal
Town.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

10.07.2024

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1. This petition has been filed under Section 528 of B.N.S.S challenging the impugned order dated 29th May, 2024 passed by the Family Court North, Rohini, on an application filed under Section 125 of Cr.P.C. for maintenance by the father of the petitioner.
2. The father of the petitioner is resident in Delhi, whereas counsel for the petitioner states that he is resident in the USA for the last 20 years.
3. A notice was apparently served was issued earlier in 2022, but the petitioner was proceeded *ex parte* on the basis of an order dated 22nd August, 2022.
4. Subsequently, counsel for petitioner states that he came to know about



the notice through his company and summoning notices were issued to the officer of the company in USA.

5. The impugned order has listed the application filed under Section 126 Cr.P.C. by petitioner for arguments on 27th July, 2024, which the counsel for petitioner states that they will argue. Their limited grievance is that without hearing the contentions on jurisdiction and maintainability of the Section 125 Cr.P.C. application, the Family Court directed petitioner to file income affidavit on the next date.

6. In these facts and circumstances, the direction to file income affidavit can very well be postponed to a later date, once the Family Court has heard the petitioner on the issue of jurisdiction and the application under Section 126 Cr.P.C. is decided.

7. Accordingly, the petition is allowed and the impugned order is set aside to the extent of and limited to direction to file the income affidavit by the petitioner.

8. Petitioners through counsel shall appear before the Family Court on 27th July, 2024 in respect of application filed under Section 126 Cr.P.C.

9. It is made clear that the Court has not expressed any direction on the merits of the matter.

10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 10, 2024/RK