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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1073/2024**
POOJA VERMAPetitioner

Through: Mr. Vaibhav Vats, Advocate
(DHCLSC)

versus

HAREESH VERMARespondent
Through: Mr. Manu Shankar Mishra with
Mr. Nishant Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

% **ORDER**
23.12.2024

CM APPL.75696/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM APPL. 75695/2024 (filed on behalf of respondent for recall of order dated 23.09.2024)

1. After hearing arguments for some time, learned counsel for the respondent/applicant submits that he does not press his present application and since the application has been moved by the respondent Husband under Section 127 Cr.P.C. (corresponding Section 146 Bhartiya Nagrik Suraksha Sanhita, 2023) seeking modification of earlier order and since without considering the above said application, the learned Family Court seems inclined to issue coercive process, the respondent Husband shall file appropriate petition seeking to challenge the above said order passed by learned Family Court.



2. Learned counsel for the petitioner submits that the present application is, even otherwise, not maintainable as vide order dated 11.07.2024 passed by this Court in CRL.M.C. 5100/2023, the respondent Husband was at liberty to approach the concerned Court under Section 127 Cr.P.C. but, for the reasons best known to him, the above said application under Section 127 Cr.P.C. has been filed by him very recently.

3. Be that as it may, in view of the above statement made by learned counsel for the respondent/applicant, the application is disposed of as not pressed. This is, needless to say, without prejudice to the rights and contentions of the parties.

4. Liberty, as prayed, is always available to the respondent applicant.

MANOJ JAIN, J

DECEMBER 23, 2024
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