



2024 : DHC : 2452



\$~54

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 27.03.2024***+ **CRL.REV.P. 795/2022**

MOHD SHAKEEL @ SHAKEEL AHMED ..... Petitioner  
Through: Mr.Salim Malik, Adv. along  
with wife of the petitioner.

versus

SABIA BEGUM AND ORS. .... Respondents  
Through: Mr.Aditya, Mr.Krishan  
Bhardwaj, Adv. along with R-  
1 in person.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**NAVIN CHAWLA, J. (ORAL)****CRL.M.A. 24246/2023 (exemption)**

1. Allowed, subject to all just exceptions.

**CRL.REV.P. 795/2022 & CRL.M.As. 24307/2022, 24245/2023**

2. This petition has been filed under Sections 397/401 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the Order dated 22.11.2021 passed in Execution Petition, being Ex.Crl. no. 621/2018; and Order dated 15.10.2022 passed in the Execution Petition, being Ex.Crl. no.91/2022, both titled ***Sabia Begum & Ors. v. Mohd. Shakeel*** by the learned Judge, Family Court, North-East District, Karkardooma Courts, Delhi (hereinafter referred to as the 'Family Court').



2024:DHC:2452



3. The respondents had filed a petition under Section 125 of the Cr.P.C., being C.No.123/2008 (later re-numbered as Mt.No.344/2018), against the petitioner herein, seeking maintenance, alleging that the respondent no.1 is the wife of the petitioner, while the respondent nos.2 and 3 are their children. The petitioner denies the said relationship.
4. By an Order dated 03.04.2018, the learned Family Court directed the petitioner to pay maintenance of Rs.4,000/- per month to the respondent no.1 and Rs.3,000/- per month each to the respondent nos.2 and 3, along with the litigation expense of Rs.11,000/-. The petitioner challenged the said Order before this Court in the form of a revision petition, being Crl.Rev. Petition no.588/2018, titled ***Mohd. Shakeel @ Shakeel Ahmed v. Mst. Sabia Begum & Ors.*** The same was dismissed by this Court vide its judgment and Order dated 28.01.2022.
5. In the meantime, the respondents filed an Execution Petition, being Ex.Crl. no.621/2018, claiming that an amount of Rs.11,91,000/- was due and payable as maintenance for the period from 26.11.2007 to 25.06.2018. Thereafter, another Execution petition, being Ex.Crl. no.91/2022, was filed by the respondent no.1 claiming that an additional amount of Rs.1,80,000/- had become due and payable from 26.06.2018 to 26.03.2022.
6. By the Impugned Order dated 22.11.2021, the learned Family Court was pleased to direct the petitioner to make the payment of arrears in monthly instalments of Rs.80,000/-.



2024 : DHC : 2452



7. The petitioner, by a subsequent Order dated 16.07.2022, was directed by the learned Family Court to file an affidavit of his income, assets, and liabilities.
8. By the Order dated 22.08.2022, the learned Family Court directed the parties to file a Valuation report from an approved MCD Valuer regarding the property bearing no.B-106, Ziyauddinpur, Delhi, which was in the occupation of the respondents. The petitioner claims that he has filed the said valuation report, which states that the value of the said property is around Rs.30 lacs.
9. On 15.10.2022, the learned Family Court by its Impugned Order, directed for issuance of the warrants of attachment against the movable assets of the petitioner, and in default, warrants of arrest against him.
10. The petitioner has challenged the Order dated 22.11.2021 and 15.10.2022 before this Court by way of the present petition.
11. This Court by its *Interim* Order dated 23.11.2022, recorded the offer made by the petitioner herein that he will be paying a sum of Rs.30,000/- per month, instead of Rs.80,000/- per month as directed by the learned Family Court, for clearing the arrears of maintenance. Based on the said statement and assurance, the operation of the Impugned Orders passed by the learned Family Court was stayed.
12. On 06.09.2023, on a complaint made by the respondents that the Order dated 23.11.2022 is not being complied with, this Court directed the Family Court to proceed with the execution filed by



2024:DHC:2452



the respondents in accordance with law.

13. The learned counsel for the petitioner submits that the petitioner is disputing the claim of marriage of the respondent no.1 with the petitioner. He submits that the petitioner is also disputing that the respondent nos.2 and 3 are the children born from the alleged wedlock. He submits that he has filed an application seeking the DNA test of the children. He further submits that due to his financial condition, the petitioner was unable to comply with the Order dated 23.11.2022 of this Court though, he has paid a sum of Rs.1,22,000/- to the respondents.
14. He further submits that the petitioner has already offered for the sale of his property, which is mentioned hereinabove. He has also filed a valuation report for the same from an approved MCD Valuer.
15. The learned counsel for the respondent no.1 disputes the title of the property in the above-mentioned petitions. He further submits that the respondents have received only an amount of Rs.90,000/- post the order dated 23.11.2022 of this Court.
16. Having heard the learned counsels for the parties, in my view, no fault can be found in the Impugned Orders passed by the learned Family Court.
17. Admittedly, the Order dated 03.04.2018 of the learned Family Court, fixing the maintenance payable by the petitioner to the respondents, has gained finality. What remain now are the execution petitions seeking execution/enforcement of the said Order. In those execution petitions, huge amounts are claimed by



2024 : DHC : 2452



the respondents as arrears, which is also not denied by the petitioner. The learned Family Court, in fact, sought to give further time to the petitioner to comply with the said Order and to make the payment of the arrears in instalments. This Court also, by its Order dated 23.11.2022, on the statement of the petitioner himself, reduced the instalments to Rs.30,000/- per month from Rs.80,000/- per month. The petitioner has chosen not to comply with his own statement as well. This itself, disentitles the petitioner to any relief or indulgence by this Court in the present petition.

18. I, therefore, find no merit in the present petition.
19. The learned Family Court must proceed with the execution petitions filed by the respondents in accordance with law. In the said consideration, it may also consider the plea of the petitioner for the sale of the property, which is claimed by the petitioner to be belonging to him, while the respondent no. 1 claims that the same belongs to her.
20. It is clarified that this Court has not expressed any view on the above assertions of the parties.
21. The petition is, accordingly, dismissed. The pending applications are also disposed of as being rendered infructuous.

**NAVIN CHAWLA, J**

**MARCH 27, 2024**  
**RN**

*Click here to check corrigendum, if any*