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

+ **CRL.M.C. 9248/2023 & CRL. MAs 34565/2023, 4475/2024**

MS ALKA

.....Petitioner

Through: Mr. Amit Chadha, Mr. Atin Chadha,
Ms. Munisha Chadha, Ms. Aeshana
Singh, Advocates.

versus

MANISH ARORA

.....Respondent

Through: Mr. Sonal Sinha, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.08.2024

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1. By way of present petition, the petitioner seeks to challenge the order dated 15.09.2023 passed by the learned ASJ-02, South East, Saket Court, Delhi in Criminal Appeal No.286/2023 titled Manish Arora v. Alka in CT Case No.696/2019, whereby the order dated 05.08.2023 passed by learned Judicial Magistrate (Mahila Court), South East District, Saket Court, Delhi was set aside.

The petitioner seeks to assail the order dated 15.09.2023 solely on the ground that at the time of consideration of appeal, no notice was issued to the present petitioner.

2. Mr. Chadha, learned counsel for the petitioner submits that the present petitioner/complainant had initiated the proceedings under the DV Act. He further submits that the learned Mahila Court, while considering the petitioner's application, granted ad-interim maintenance @ Rs.20,000/- to the petitioner. Furthermore, he submits that the respondent herein assailed



the said order vide the aforesaid appeal before the learned Sessions Court and that on the very first day, without issuing any notice or without hearing the present petitioner, the learned Sessions Court set aside the said order.

3. Learned counsel for the respondent also does not dispute the position that no notice of the appeal was issued and that the appeal came to be disposed of on the very first day.

4. Considering the fact that the impugned order was passed against principles of natural justice, and that the notice of the appeal ought to have been issued to the present petitioner, the impugned order is set aside and the appeal is restored to its original number. With the convenience of the counsels for the parties, the date before the Sessions Court is fixed on 12.08.2024.

5. The petition is disposed of in above terms along with pending applications.

6. Let the copy of this order be communicated to the concerned Mahila Court.

MANOJ KUMAR OHRI, J

AUGUST 5, 2024/*rd*