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**IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 9367/2023 & CRL.M.A. 35037/2023**

DHEERAJ BANSAL

..... Petitioner

Through: Mr.Vinod Dahiya, Mr.Bharat
Bagga, Ms.Mansi Asija, Advs
along with petitioner in person.

versus

SMT. POONAM BANSAL

..... Respondent

Through: Mr.Sudhir Kumar, Mr.Deepak
Gupta, Mr.Manish Kumar and
Mr.Thangminlal Kipgen, Advs.
along with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

16.04.2024

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1. This petition has been filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the following reliefs:

"a. Quash and set aside the order dated 10.10.2023 passed by LD. ASJ, North Rohini Court Delhi in CA no. 37/2023 titled as Dheeraj Bansal Vs Poonam Bansal.

b. Quash and Set-aside the impugned order dated 09.01.2023 PASSED IN EXECUTION CRIMINAL NO.78/2020 BY HON'BLE COURT OF MS. PREETI, LD M.M., NORTH ROHINI, ROHINI COURT, DELHI.

c. Stay the proceedings of all execution petition pending till the final decision of present petition arising out of order dated



28.07.2020.

d. Call the records of the Ld. Trial Court of the above noted case and examine the legality of the impugned order dated 09.01.2023.”

2. The learned counsel for the petitioner submits that the challenge in the present petition is to the fact that while the petitioner has been directed to pay maintenance at the rate of Rs.60,000/- per month to the respondent and the children vide Order dated 03.04.2019 passed by the learned Additional Principal Judge, Family Courts, West District, Tis Hazari Courts, Delhi in Maintenance Petition no.52/2016 titled ***Ms.Poonam Bansal & Ors. v. Sh.Dheeraj Bansal***, the same has not been taken into account while directing the petitioner to provide an alternate accommodation to the respondent at the rate of Rs.14,000/- per month.

3. The learned counsel for the respondent, on the other hand, draws my attention to the Order dated 29.10.2021 passed by this Court in CRL.M.C. 1148/2021 titled ***Dheeraj Bansal v. Poonam Bansal***, dismissing the petition filed by the petitioner herein which challenged the Order dated 20.02.2021 passed by the learned District and Sessions Judge, North District, Rohini Courts, Delhi in CA No.97/2020, *inter alia*, observing as under:

“4. Learned counsel for the respondent on the other hand referred to an order dated 28.07.2020, wherein the learned M.M. had directed the respondent to arrange alternate accommodation for the complainant and her two daughters having rent of Rs. 14,000/- per month so that she can shift to such accommodation. Admittedly, the respondent No.2 get an interim maintenance of Rs.60,000/- per month vide order dated



03.04.2019 and per order dated 28.07.2020 of the learned MM the rental of Rs. 14,000/- is adjustable against the monthly maintenance and thus even if any accommodation is taken on lesser rent than Rs.14,000/-, since it is from maintenance amount being part thereof, the payment of lesser amount of rent is not relevant.

5. Thus, the grievance of the petitioner is unfounded and there is no infirmity in the order dated 20.20.2021 the petition is dismissed. Pending application, if any, also stands disposed of.”

(Emphasis supplied)

4. In view of the above, therefore, the grievance of the petitioner has already been taken note of by this Court and has been addressed by the above Order.

5. Clearly, the petitioner is trying to misuse the process of the Court in re-agitating the same issue over and over again and thwart the execution petition filed by the respondent. This petition is filed with a *mala fide* intent and is, accordingly, dismissed with costs quantified at Rs.25,000/- to be paid by the petitioner to the respondent within a period of four weeks from today.

6. The pending application also stands disposed of as being rendered infructuous.

NAVIN CHAWLA, J

APRIL 16, 2024/ns/AS

Click here to check corrigendum, if any