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

+ **CRL.M.C. 7941/2024, CRL.M.A. 30303/2024**

DILSHAD

.....Petitioner

Through: Mr.S.K.Shrivastava, Mr.Shekhar
Chand Jain, Mr.Shushil Kumar,
Mr.Ashish Kumar and Ms.Swati
Singh, Advocates

versus

SMT AASMA & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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08.10.2024

CRL.M.As. 30304-30306/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 7941/2024 & CRL.M.A. 30303/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for setting aside the judgment dated 06.05.2023 passed by learned Family Court, East District, Karkardooma Courts, Delhi in MT No.03/2019, whereby petitioner (husband) was directed to pay maintenance @ Rs.3,000/- per month in favour of respondent No.1 (wife) and respondent No.2 (daughter) each.
2. Learned counsel for the petitioner after making some submissions, seeks to withdraw the petition with liberty to approach learned Family Court in the first instance against the ex-parte judgment dated 06.05.2023, since it is claimed that summons were not received by the petitioner at any stage



during proceedings under Section 125 Cr.P.C.

3. Taking the statement of learned counsel for the petitioner on record, petition is accordingly disposed of with liberty to the petitioner to approach the learned Family Court in the first instance.

Also, considering the peculiar facts and circumstances of the case, no coercive action shall be taken against the petitioner for a period of four weeks to enable him to approach the learned Family Court, subject to his depositing 20% of the arrears of maintenance in execution proceedings within ten days, failing which the order shall stand vacated.

Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Family Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 08, 2024/v