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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 151/2024 CRL.M.A. 37417/2024 CRL.M.A.
37418/2024

PAUSIANMUANG TUNGLUTPetitioner

Through: Mr. Mandeep Singh Vinaik, Ms.
Ragini Vinaik, Ms. Thang Lunkim
and Mr. Gaikhuanlung, Advs.

versus

ELIZABETH CHING KHAUTE & ANR.Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
12.12.2024

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1. This petition has been filed for setting aside impugned order dated 07th October 2024 and 04th November 2024 passed by the Family Court, Patiala House in M. No.20/2024.

2. By order dated 07th October, 2024 in the maintenance petition filed under Section 125 Cr.P.C., an *ad interim* maintenance of Rs.50,000/- was directed to be paid by the petitioner/husband to the respondent/wife. The petitioner moved an application for recall of the order dated 07th October 2024 bringing out the following facts:

- i. The maintenance petition was originally filed in March 2023, before the Family Court of Manipur at Churachandpur. Considering there was an unrest and riots in Manipur, a transfer petition was preferred by the respondent/wife in February 2024



before the Supreme Court of India, bearing Transfer Petition (Crl.) No. 139/2024.

- ii. On 12th August, 2024, the Supreme Court allowed the petition transferring the same to the Family Court, Patiala House. In the said order, the Supreme Court in *para 5* specifically noted that the concerned Court will give fresh notice to all the parties by fixing a date and the matter shall proceed before the Court from the stage at which it was left at the Family Court in Manipur.
 - iii. Summons were received by the petitioner regarding the listing of a fresh petition under the HMA (No.24/24), issued on 30th August 2024, summoning the petitioner for hearing on 07th October 2024.
 - iv. A proxy counsel appeared on behalf of the petitioner since the notice was only on the HMA proceeding.
 - v. On that day, the maintenance petition was also taken up, without giving prior notice to the petitioner and summary order was passed by the Judge, Family Court directing *ad interim* maintenance of Rs.50,000/- per month.
3. Despite these facts being brought to the attention of the Family Court, the application for recall was dismissed *vide* order dated 04th November 2024.
4. Counsel for the petitioner states that without summons in the maintenance matter, the petitioner could not have had any idea that the maintenance petition would be taken up, as also, despite the demand of the respondent being for Rs.30,000/- per month for maintenance, a direction was given for paying Rs.50,000/- per month.



5. The matter is now listed before the Trial Court on 16th January 2025.
6. In the meantime, subject to the petitioner paying Rs.30,000/- per month as *ad interim* maintenance, the operation of the impugned order shall remain stayed.
7. Considering the submission made by the counsel for the petitioner that they are ready to pay Rs.30,000/- per month as *ad interim* maintenance till the interim maintenance petition gets decided, without prejudice to the rights and contentions, no further directions are directed.
8. However, this will not impede the hearing of the petition under Section 125 Cr.P.C.
9. The Trial Court will be conscious of the mandatory directions passed by the Supreme Court on 12th August 2024.
10. Accordingly, petition is disposed of. Pending applications, if any, are also disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 12, 2024/MK/kp