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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 556/2019 & CRL.M.A. 9936/2019**
AMIT KUMARPetitioner
Through: Mr. Rakesh Kumar, Advocate.

versus

GAURI SINGHRespondent
Through: Mr. Shivang Rawat, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
23.01.2025

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1. The present Criminal Revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973¹, assails the orders dated 26th March, 2019, as well as the order dated 16th April, 2019², passed by Principal Judge, Family Court, Saket Courts, in Maintenance Petition No. 234/2018.
2. The two orders impugned in the present revision petition, read as follows:

“Order dated 26th March, 2019:

WS filed. Affidavit of income, assets and expenditure has also been filed from the side of the respondent. Copy supplied.

Petitioner i.e. baby Gauri Singh, aged 4 years has, in between, moved an application under section 125 (1) Cr.P.C paying for interim maintenance. In said application moved through her mother, it is claimed that she is studying in play school and is to be admitted in regular school

¹ “Cr.P.C.”

² “Impugned Orders”



for which there would be requirement of fee/admission charges etc.

During the course of the arguments, the respondent who is present in the court has very fairly admitted and undertaken that whatever education expenses are required to be deposited in the school for the purposes of admission of his daughter in regular school, he would bear the same irrespective of the stand taken by his adversary in the present petition.

In view of the aforesaid, the respondent is directed to remain bound to the aforesaid undertaking given by him before the court. Mother of petitioner is at liberty to share the requisite details with him so that the expenses in this regard are directly deposited by the respondent with the concerned school authority.

Put up on 08.05.2019 for further proceedings.

Let rejoinder, if any be filed on the next date of hearing and copy of same be supplied to the opposite side two weeks in advance.

Order dated 16th April, 2019:

File has been taken up today as an application has been moved from the side of petitioner praying therein that direction be issued to respondent to deposit school fee, I have seen last order dated 26.03.2019. Said order is very specific and clear and was passed on the basis of statement and undertaking given by the respondent that he would meet educational expenses for the purposes of her admission in a regular school. Sh. Aayushman has stated that respondent has no earning capacity to bear the aforesaid admission fee and, therefore he is not in a position to make payment of the admission fee of Rs 48,076/- and another sum of Rs. 6,000/- towards school books/stationery/school dress Sh. Rawat has stated that aforesaid amount of Rs 48,076/- is not for one month. It is for three months but said amount is to be deposited in one go.

Be that as it may, in view of observations appearing in order dated 26.02.2019, respondent is directed to ensure that admission fee is duly deposited with the concerned school directly. Let school fee be deposited with ten days from today without any further delay in the matter. Learned counsel for petitioner has also stated that in case for any reason whatsoever the child is not admitted in the aforesaid school, he would himself co-operate and amount paid in this regard would be duly refunded to him."

[Emphasis added]



3. Mr. Shivang Rawat submits that the Respondent is being represented through her mother, Ms. Swati Singh. The impugned orders were passed by the Family Court, Saket on an application filed by the Respondent under Section 125(1) of Cr.P.C. praying for interim maintenance.

4. Mr. Rawat submits that the Respondent, i.e., the daughter of the Petitioner and Ms. Swati Singh, was enrolled in a play school and was supposed to join regular school at Colonel Satsangi's Kiran Memorial Public School, New Delhi. However, this admission could not be confirmed as the Petitioner did not deposit the requisite school fee to the school, despite his categorical undertaking, as recorded in the impugned order.

5. In this context, the second impugned order dated 16th April, 2019, was passed on an application moved by the Petitioner seeking compliance of the impugned order dated 26th March, 2019. He urges that despite the second impugned order, the Petitioner did not pay the school fees for the Respondent and due to this, she had to wait for admissions in the Academic Year starting in 2020, when she got enrolled in Apeejay School, New Delhi.

6. The counsel further submits that the directions issued by the Family Court, through the impugned orders have been rendered infructuous since the Respondent has already got admission in Apeejay School.

7. Counsel for Petitioner on the other hand denies the allegations and states that the facts as stated by the counsel for the Respondent, are incorrect.

8. In any event, it is clear that the directions issued under the impugned orders, were specifically for admission of the Respondent daughter in school, which have lost its relevance as the counsel for the Respondent has informed the Court that the child has already got admission in another



school. Therefore, in the opinion of the Court, there is no reason to keep the present proceedings pending.

9. The Respondent shall be at liberty to apply to the Trial Court, if required, for any further directions for the payment of the school fees, which application shall also be considered on its own merits.

10. It is made clear that the Court has not made any comments on the merits of the case. All rights and contentions of the parties are left open.

11. Accordingly, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

JANUARY 23, 2025

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