



\$~40

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

+ CRL.REV.P.(MAT.) 214/2025, CRL.M.A. 14017/2025 (stay),
CRL.M.A.14018/2025 (condonation of delay)
VIDHU P NAIRPetitioner

Through: Mr. Tom Joseph, Mr. Arya Krishnan
and Mr. Anugraha, Advocates.

versus

ADVAITH NAIR ..Respondent

Through: None

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **06.05.2025**

CRL.M.A.14019/2025 & CRL.M.A.14020/2025 (Exemptions)

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CRL.REV.P.(MAT.) 214/2025

3. Criminal Revision Petition under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*Section 397 of the Code of Criminal Procedure, 1973*) has been filed on behalf of the Petitioner, Mr. Vidhu P. Nair for setting-aside the impugned Order dated 03.03.2025 in Execution Petition No. 8/2025 in MT Case 55/2020 wherein the execution of an interim Order has been entertained despite the dismissal of the main Petition by this Court.

4. *Briefly stated*, the Petitioner had a son/Respondent, namely, Advait Nair from his first marriage. The Petitioner got re-married after about one

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:59:03



and a half-year of demise of his first wife, which did not go well with the paternal-Grandparents of the Respondent. He started making spurious complaints against the Petitioner resulting in his assignment abroad to be delayed and his career jeopardised and his image being tarnished amongst the official and social circle.

5. The Petition under Section 125 Cr.P.C was filed by the Respondent for seeking maintenance. Thereafter, the Petitioner has filed a Suit for Partition before the Sub-Court, Thiruvananthapuram. The Respondent/son has inherited immovable assets of the deceased mother which includes 1,314 gms of gold lying in the locker at SBI, Thiruvananthapuram.

6. It is further submitted that there are various other properties which have been inherited by the Petitioner and his son. In the Petition under Section 125 Cr.P.C., ad-interim maintenance of Rs.25,000/- was granted to the Respondent *vide* Order dated 23.02.2021. Thereafter, Petitioner had filed an Application under Section 127 Cr.P.C. for modification of the Order dated 23.02.2021 and to stop the maintenance to be paid to the Respondent beyond 29.01.2022 as he has attained majority.

7. From 26.07.2022, the Respondent started receiving substantial payments upon maturity of an LIC Policy taken in his favour by the Petitioner, which provided lump sum payment on maturity, per annum payments till 2027 and Bonus payment in year 2027.

8. *Vide* Order dated 29.07.2022, two Applications filed for Interim Maintenance dated 16.07.2020 and the Application of the Petitioner was disposed of *vide* Order dated 24.12.2021.

9. It is asserted that the Respondent had been granted interim maintenance of Rs.50,000/- per month from the date of the Application till

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:59:03



he attained majority i.e. 29.01.2022. The Respondent has also been granted litigation expenses of Rs.25,000/-.

10. On 08.12.2022, the Respondent preferred a Criminal Revision Petition against the Order dated 29.07.2022 of the learned Judge Family Court, Patiala House Courts, New Delhi along with the Application for Condonation of Delay under *Section 5 of the Limitation Act, 1963*.

11. This Court referred the parties to Mediation, but there was no Settlement *inter se* the parties.

12. The High Court passed an Interim Order dated 05.11.2024 in Crl. Rev. No. 855/2022 directing the Petitioner to continue to pay Rs.50,000/- per month to the Respondent even beyond the date of the Respondent attaining majority, on 29.01.2022.

13. It is submitted that this Court ought to have given a chance to the Petitioner, to file his Reply and to adjudicate the Application for Condonation of delay and ought not have granted relief in the nature of final adjudication, totally sidelining the crucial fact in the main Petition, while granting the interim relief. This Court could not have gone way beyond the express statutory provisions of Section 125 Cr.P.C. while exercising its powers of Crl. Rev. Pet. 855/2022 under Section 397 Cr.P.C. This Criminal Revision Petition has been finally dismissed on 06.02.2025.

14. In the interregnum, the Respondent has filed Execution Petition bearing E.P. No. 8/2025, wherein Objections had been filed by the Petitioner, which have been dismissed despite the final dismissal of the Revision Petition.

15. This Court took a view that something has to be provided for the studies of the Respondent. It is asserted that the Criminal Revision Petition

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:59:03



has been finally dismissed by this Court. However, taking undue and illegal advantage of the Interim Order, the Respondent has filed E.P. No. 8/2025 seeking arrears of maintenance even beyond his date of majority. The Objections have been filed by the Petitioner.

16. It is submitted that the Interim Order dated 05.11.2024 stood merged with the final Order of the dismissal dated 06.02.2025. Therefore, there is no Order, which is directing payment of maintenance even beyond the period of majority of the Petitioner.

17. On the basis of the Interim Orders made by this Court, while considering the Revision Petition seeking enhancement of maintenance, cannot be made a basis for the Execution Petition.

18. It is submitted that this Execution Petition is not maintainable and be set-aside.

19. **Submissions heard and the record perused.**

20. Pertinently, the Criminal Revision Petition had been filed by the Petitioner to challenge the Interim Maintenance granted to the Respondent in the sum of Rs.50,000/- per month to the son from the date of Application till he attained majority on 29.01.2020.

21. While hearing the Revision Petition, the Predecessor of this Court by way of Interim Order dated 05.11.2024 directed the Petitioner to continue to pay Rs.50,000/- per month even beyond the date of his majority i.e. 29.01.2020.

22. While the matter was pending, the Execution Petition has been filed seeking recovery of arrears beyond the date of majority. However, it cannot be overlooked that the said Criminal Revision got dismissed on 06.02.2025 and the Interim Order dated 05.11.2024 got merged in it. Therefore, no

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:59:03



further Interim Maintenance beyond the age of majority can be claimed beyond 06.02.2025. However, considering that the Interim Order directing continuation of payment of maintenance of Rs.50,000/- per month was made on 05.11.2024, it is hereby held that the Respondent shall be entitled to the recovery of this amount from the date of interim Order dated 05.11.2024 till the date of final disposal of the Petition on 06.02.2025.

23. No further directions are required to be made in the Petition, which is hereby disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

MAY 6, 2025/RS

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:59:03