



\$~41

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

+ **CRL.M.C. 3387/2025, CRL.M.A. 14957/2025 (stay)**

**CHANDRA MOHAN YADAV**

.....Petitioner

Through: Ms. Mansi Bhushan, Mr. Mohammed Navas, Ms. Sanjana Patel and Mr. Aksit Chaudhary, Advocates with Petitioner (through VC)

versus

**PRIYANKA YADAV AND ORS**

.....Respondents

Through: Counsel for Respondents (appearance not given).

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **15.05.2025**

**CRL.M.A.14958/2025 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

**CRL.M.C. 3387/2025**

3. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure, 1973, has been filed on behalf of the Petitioner seeking setting-aside the Order dated 07.05.2025 whereby the learned Family Court-01, South-West, Dwarka Court, Delhi in Ex. Criminal No. 29/2025, has directed the Petitioner, to deposit Rs.50,000/- within a period of two weeks to the Decree Holder, failing which the NBWs be issued to be executed through the SHO on PF

*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 22/05/2025 at 12:13:18*



for 05.06.2025. The copy of the Ex. Criminal No. 29/2025 has been placed on record, the perusal of which shows that the date of Order is 03.05.2024, according to which the Petitioner has been directed to pay ad interim maintenance @5,000/- per month. The total amount sought is in the sum of Rs.60,000/- for the period from 01.08.2024 to 15.01.2025.

4. The Judgment Debtor on appearance, asserted that he has made a payment of Rs.50,000/-, but the Decree Holder claimed to have received only Rs.30,000/-. Consequently, Rs.50,000/- has been directed to deposit within two weeks failing which the NBWs are directed to be issued.

5. From the record itself, it is evident that the total amount for the ad interim maintenance from August to January, has been calculated in the sum of Rs.60,000/-. The Decree Holder has admitted that she has got Rs. 30,000/-, even though the Judgement Debtor is asserting that he has paid Rs.50,000/- for which he has the Receipt.

6. Considering the totality of circumstances and the discrepancy in the amount that has already paid by the Petitioner, the impugned Order dated 07.05.2025 is modified to the extent that the Decree Holder shall appear before the learned Trial Court on the date already fixed i.e. 05.06.2025 and may furnish the proof of the payments, which have been made till date.

7. The learned Family Judge shall get the total payments made and received by the parties reconciled and thereafter, pass the appropriate Orders. Till then, the NBWs are directed to be not issued.

8. The Petition is disposed of along with the pending Application.

9. Learned counsel for the Petitioner submits that her objection had been denied to be taken on record. Though, it is not feasible for any Court, to deny taking the objections on record, however, objection if any is filed on

*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 22/05/2025 at 12:13:18*



behalf of the Petitioner, the same may be taken on record and considered, in accordance with law.

**NEENA BANSAL KRISHNA, J**

**MAY 15, 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 22/05/2025 at 12:13:18*