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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 276/2025, CRL.M.A. 17620-17621/2025**
GURPREET SINGH CHAWLA

.....Petitioner
Through: Mr. Kunal Madan and Mr. Ihsan
Ahuja, Advocates.

versus

REKHA CHAWLA

.....Respondent
Through: Ms. Shivani Pawar, Mr. Mayank
Tanwar, Ms. Prakriti Kapoor and Ms.
Deepika, Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
12.08.2025

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1. A Criminal Revision Petition under Section 397 read with Section 401 Cr.P.C read with Section 438 read with Section 442 BNSS has been filed on behalf of the Petitioner to challenge the Order dated 18.03.2025 vide which the Written Statement of the Petitioner has not been taken on record and the defence has been struck of.
2. The brief facts are that the Petitioner Gurpreet Singh Chawla got married to the Respondent Rekha Chawla on 21.12.2004 according to Hindu customs and rites. One son Master Dilpreet Singh was born on 13.12.2005. Eventually over a period of time, the relationship got soured and there was marital discord. The Petitioner shifted out of the shared household.
3. The Respondent filed a Petition under Section 125 Cr.P.C bearing MT



No.32/2024. It is claimed that false allegations against the character of the Petitioner were made. His parents suffer from multiple ailments and limited mobility, have suffered immensely because of the relentless harassment by the Respondent. She has wrongly portrayed herself as a destitute woman with no means of livelihood. She is actively running a Paying Guest business from the Petitioner's property, without permission. Various unknown individuals keep visiting the premises severally compromising the security and privacy of the Petitioner's family. Despite earning substantial income from this business, she deceitfully presents herself as a helpless dependent. It is claimed that the Respondent has framed the entire Maintenance Petition against the Petitioner on the web of blatant lies.

4. The Respondent has even instituted a Petition under Domestic Violence Act against the Petitioner.

5. It is submitted that the parties have been referred to Councilor and for Mediation, but the matter could not be settled. The Petitioner was previously represented by some other counsel, who did not fulfill his legal obligation to file the Written Statement and Affidavit of Income in the timely manner. It is only when the new counsel got engaged that he took action to diligently pursue the matter. However, due to unavailability of certain crucial documents at the relevant time, a minor delay occurred.

6. It is further submitted that despite filing the Written Statement and Income Affidavit and depositing the cost, harsh and unduly prejudicial Order dated 18.03.2025 has been made against the Petitioner, whereby his right to file the Written Statement has been struck off. It is submitted that not taking the Written Statement of the Petitioner on record has resulted in grave injustice and has deprived him of the opportunity to present his



defence and contest the claim made against him. He has a fundamental right to be heard and by denying this opportunity he has been unfairly prejudiced. A prayer is, therefore, made that the impugned Order dated 18.03.2025 be set aside and his Written Statement/Affidavit of Income be taken on record.

7. Learned counsel on behalf of the Petitioner submits that the Order of Interim Maintenance of Rs.7,000/- per month may be treated as an Interim Maintenance Order and that he may be permitted to address the arguments on the point of grant of Interim Maintenance.

8. Learned counsel on behalf of the Respondent has vehemently contended that the Petitioner had intentionally delayed the grant of Interim Maintenance as he failed to file the Written Statement from 23.04.2024 till 18.03.2025. It is further submitted that even the cost of Rs.5,000/- has not been deposited till date, though it is admitted that the cost of litigation in the sum of Rs.11,000/- as ordered by the Order dated 18.03.2025 has already been received by the Respondent. It is further contended that there was no separate Application filed for condonation of delay in the absence of which the Written Statement cannot be permitted to be taken on record.

9. **Submissions heard and record perused.**

10. First and the foremost, strict procedural law of Code of Civil Procedure is not applicable to the matters which are governed by the Family Courts Act and, therefore, the contention that the Written Statement beyond the period of 90 days cannot be taken on record, is not tenable. Pertinently, the Court vide Order dated 09.12.2024 had given the opportunity to the Petitioner to file the Written Statement/Affidavit of Income subject to cost of Rs.5,000/- within three weeks and the matter was adjourned for 18.03.2025. The learned Counsel for the Petitioner submits that since the



previous counsel was not diligent and it took some time to engage the new counsel, there was a delay. But on the give date i.e. 18.03.2025 the Written Statement/Affidavit of Income was submitted in the Court and the e-payment of cost of Rs.5,000/- was made to the Respondent.

11. Though, strictly the Written Statement was not filed within the time granted vide Order dated 09.12.2024, but it had been filed on the date for which the matter was adjourned i.e. 18.03.2025 and the cost has been deposited. Even if the Written Statement had been filed within three weeks, the matter would have been taken only on 18.03.2025. No prejudice per-se has been caused to the Respondent by filing the Written Statement beyond three weeks, which was given vide Order dated 09.12.2024.

12. In the aforesaid circumstances, the Petition is allowed and the Written Statement/Affidavit of Income is directed to be taken on record.

13. In view of the submissions made, the Order of payment of Maintenance in the sum of Rs.7,000/- per month be treated an Interim Maintenance and the Interim Maintenance be determined afresh in the light of the Affidavit of Income filed by both the parties. Till the decision on Interim Maintenance, the Petitioner shall continue to pay Rs.7,000/- per month to the Respondent.

14. With these observations, the Petition is hereby disposed of along with the pending Applications.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2025/va