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

+ **CRL.A. 772/2024**

YASHODHAN KOTHARI

.....Appellant

Through: Ms.Nidhi Jaswal, Mr.Shashank Khurana,
Mr.Deepak Verma and Mr.Chaitanya Sharma,
Advocates

versus

SHIKHA KOTHARI AND ANR

.....Respondents

Through: Mr.Shwetank Sailakwal, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.08.2025

CRL.M.A. 25023/2024 (condonation of delay)

1. By way of present application, the appellant/applicant seeks condonation of delay of 84 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 84 days in filing the appeal is condoned.
3. In view of the above, the application stands disposed of.

CRL.A. 772/2024, CRL.M.A. 29819/2024 (stay) and CRL.M.A. 29833/2024 (additional documents)

1. Learned counsel for the appellant submits that the mediation efforts have not been successful, and no settlement could be arrived at between the parties.
2. The present appeal has been filed seeking, setting aside of the *ex-parte* order dated 18.04.2024 passed by learned Judge, Family Court, Saket District Court, New Delhi in MT. Case No. 153/2023 vide which the proceedings filed by the respondents under Section 125 CrPC have been



allowed, thereby, directing the appellant to pay maintenance @ Rs.20,000/- per month to respondent No.1/wife and Rs.40,000/- each to the respondent Nos.2 and 3.

3. Learned counsel for the appellant submits that the impugned judgment has been rendered in the absence of any concrete evidence, inasmuch as the aforesaid amount has been directed to be paid only based on the claims made by the respondents/wife in her income affidavit filed before the family court.

4. After some arguments, both the counsels agree that the matter be remanded back to the family court for fresh consideration after granting opportunity to the appellant to file reply and lead its evidence. Learned counsel for the appellant, on instructions from the appellant who is present in court, further state that the appellant would continue to pay maintenance as directed however, without prejudice to his rights and contentions, as the appellant seeks to file documents for seeking variation of the maintenance order.

5. Accordingly, with the consent of parties, the impugned judgment in so far as it *ex parte*, is set aside. The matter is remanded back. The appellant shall be at liberty to seek alteration of the order of maintenance and any application as and when filed, will be considered on its own merit. However, till then, the appellant, as undertaken, shall continue to pay the maintenance at the rate that has been directed by the family court. However, it is clarified that, in case, at the time of disposal of the maintenance petition, the Family Court comes to the conclusion that the respondents are entitled to lesser or higher maintenance, the Family Court would be at liberty to grant adjustment of the arrears either way.



6. List the matter before the concerned Family Court on 01.09.2025.
7. In view of the above, the present appeal is disposed of along with the pending applications.
8. A copy of this order be communicated electronically forthwith to the concerned Family Court.

MANOJ KUMAR OHRI, J

AUGUST 19, 2025

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