



\$~54

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT) 360/2025, CRL.M.A.22788/2025**

KAMAL SHARMA

Through: Ms. Bhawana Pandey (DHCLSC) Advocate.Petitioner

versus

MITHLESH & ANR.

Through: None.Respondent

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
06.08.2025

%
CRL.M.A.22790/2025(Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CRL.M.A.22789/2025 (under Section 5 of the Limitation Act read with Section 482 Cr.P.C and Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 on behalf of the Petitioner seeking Condonation of Delay in filing the present Revision Petition)

3. An Application has been filed on behalf of the Petitioner seeking condonation of delay of 163 days in filing the present Revision Petition.
4. In view of the reasons stated in the Application, the delay of 163 days in filing the present Revision Petition is condoned.



5. The Application is allowed and stands disposed of accordingly.

CRL.REV.P.(MAT) 360/2025

6. A Revision Petition under Section 397/401 Cr.P.C and Section 438/442 BNSS read with Section 482 Cr.P.C and 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed on behalf of the Revisionist challenging the Order dated 28.11.2024 passed by learned Principal Judge, Family Courts, South-West, Dwarka, New Delhi in case MT No.667/2018 vide which while setting aside the ex-parte judgment dated 11.02.2020, the Revisionist has been directed to deposit Rs.50,000/- within 30 days.

7. It is submitted on behalf of learned counsel for the Revisionist that an ex-parte Judgment under Section 125 Cr.P.C has been passed against him. The Revisionist had suffered amputation of his left leg resulting in 70% disability, which fact had not been brought on record by the Respondent in the Petition under Section 125 Cr.P.C. It is for this reason he was unable to contest the Petition.

8. Thereafter, on coming to know about the ex-parte Judgment, the Revisionist had moved an Application for setting aside the ex-parte Judgment which has been allowed, subject to the condition of deposit of Rs.50,000/-. However, the Revisionist is completely unemployed and physical disabled and dependent upon his father and is not in a position to deposit a penny and has not been able to comply with the Order.

9. It is further submitted that though Warrants of Arrest have been issued against him for 11.08.2025 in the Execution Petition. He has no means whatsoever to make the payment which has also been reported by the concerned Tehsildar. It is, therefore, submitted that the impugned Order be set aside.



10. Considering the financial and physical incapacity of the Revisionist to pay the amount, the Order dated 28.11.2024 is modified to the extent that the condition for deposit of Rs.50,000/- is hereby set aside and it is directed that the Petition under Section 125 Cr.P.C be decided afresh, on its merits, after giving due opportunity to the Petitioner.

11. The Revision Petition is hereby, disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2025/va