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

+ **CRL.REV.P.(MAT.) 533/2025, CRL.M.A. 35800-35801/2025**

MANISHA

.....Petitioner

Through: Ms. Meera Kaura Patel, DHCLSC,
Advocate along with Ms. Manika
Pandey, Mr. Puru Pratap Singh and
Mr. Zainab Hussain, Advocates.

versus

SHIVA

.....Respondent

Through: *Appearance not given.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.12.2025

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CRL.M.A. 35802/2025 (condonation of delay)

1. For the reasons stated in the application, the delay of 85 days in filing the petition is condoned.
2. Accordingly, the application is disposed of.

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3. The Petitioner's application under Section 125 of the Code of Criminal Procedure, 1973¹, was dismissed for non-prosecution on 20th September, 2023 by the Family Court-02, East District, Karkardooma Courts, Delhi, on the ground that the Petitioner had failed to provide the

¹ "CrPC"



address of the Respondent for effecting service. Thereafter, Petitioner application seeking restoration was dismissed by the impugned order dated 24th May, 2025 in the following terms:

“Heard. Case file perused.

This application filed for restoration of maintenance petition bearing MT No. 159/2021.

It is noted that the aforesaid petition was dismissed vide order dated 20.09.2023 (copy of order attached with the application) observing as under:

It is pertinent that after 27.07.2022, matter was adjourned for 20.10.2022., 20.01.2023, 10.04.2023, 10.07.2023 and for today, however no address of the respondent has been filed Hence, it appears that the petitioner is no longer interested in pursuing her petition as such. The present petition is dismissed for non persuasion.

Applicant in per application has stated that she is illiterate lady and she is suffering from various diseases also not aware about the court proceedings and the previous counsel has not made any communication with her so she could not appear before the court.

It is noted that the then ld. Counsel for the petitioner specifically stated on 20.09.2023 that in spite of his best efforts, petitioner has not contacted him and even she has not supplied the fresh address of the respondent and further petitioner is not contacting him since 27.07.2022.

It is pertinent that applicant has not placed on record any medical documents along with the present application to show that she was suffering from various diseases and thereby unable to appear before the Court.

In view of above, I find no merits in the application to issue notice to the opposite party. Hence, the present application is dismissed.

Proceedings, on this misc. application be attached with the main file and consigned to the record room. “ [SIC]

4. The Petitioner was represented by the counsel appointed by the Delhi Legal Services Authority. Apparently, Petitioner’s counsel informed the Court that he was not receiving any information from the Petitioner and no fresh address of respondent had been supplied to him for effecting service. In such circumstances, the Court found no basis to issue notice to the opposite party and dismissed the application.



5. Counsel for the Petitioner herein submits that the steps to serve the Respondent were not taken as the Petitioner was not aware of the address of the Respondent. Subsequently, the Petitioner has managed to trace the whereabouts of the Respondent and the same have been mentioned in the Memo of Parties. It is submitted that the Petitioner is not an educated woman and is living with her parents, having been deserted by the Respondent. The Petitioner has no source of income and, for her, the maintenance under Section 125 CrPC is necessary to enable her to live with dignity and independently. Considering the financial condition of the Petitioner and the obligation of the Respondent to maintain her, it would be in the interest of justice that the Petitioner be afforded an opportunity to serve the Respondent.

6. Considering the aforementioned circumstances, since the Petitioner has now been able to trace the whereabouts of the Respondent, in the opinion of the Court, an attempt could be made for effecting service upon the Respondent.

7. Accordingly, the impugned order dated 24th May, 2025 is set aside.

8. The Petitioner is permitted to file a fresh application disclosing the address of the Respondent, which shall then be considered and decided by the Trial Court, in accordance with law.

9. The present petition is accordingly disposed of, along with any pending application(s).

SANJEEV NARULA, J

DECEMBER 2, 2025/MK