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

+ CRL.REV.P.(MAT.) 19/2026, CRL.M.A. 1460/2026 (stay)

SHRI ARUN KUMARPetitioner

Through: Mr. Ashwin Vaish, V. Thomas
Aaditya Sharma, Uttam Panwar
Shubhi V, Yashaswi Dasari
Advocates.

versus

SARITA KUMARI & ANR.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **17.01.2026**

CRL.M.A. 1461/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.REV.P.(MAT.) 19/2026

By way of the present revision petition filed under sections 438/442 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS') and section 19(4) of the Family Courts Act 1984, the petitioner impugns orders dated 04.11.2025 and 22.12.2025 passed by the learned Judge, Family Court-01, Shahdara District, Karkardooma Courts, Delhi ('Family Court') in Ex. No.216/2024. By way of the said orders, the learned Family Court has issued warrants of arrest against the petitioner (judgment debtor) for non compliance



with the order dated 02.02.2024 passed by the learned Family Court awarding maintenance of Rs. 30,000/- per month in favour of the respondents.

2. Mr. Ashwin Vaish, learned counsel appearing for the petitioner submits, that orders dated 04.11.2025 and 22.12.2025 have been obtained by 'fraud', since at the time when respondent No.1 (wife) claimed that she had no income, she had, in fact, filed income tax returns disclosing income. It is submitted that these facts are indicated in para 2 of the petitioner's application seeking recall of judgement dated 02.02.2024, that is pending before the learned Family Court.
3. Mr. Vaish contends, that as held in ***S.P. Chengalvaraya Naidu vs. Jagannath and Ors.***¹, 'fraud' vitiates all judicial acts; and therefore judgement dated 02.02.2024 awarding maintenance is void.
4. However as noticed above, the petitioner's application seeking recall of judgement dated 02.02.2024 is still pending consideration before the learned Family Court. So long as that order stands, the petitioner remains bound by the direction contained therein; and in that backdrop, orders dated 04.11.2025 and 22.12.2025 by which the learned Family Court is enforcing judgment dated 02.02.2024 cannot be faulted.
5. Accordingly, this court finds nothing amiss in orders dated 04.11.2025 and 22.12.2025, that would warrant inference by this court in its revisional jurisdiction under section 438 read with 442 of the BNSS.

¹ (1994) 1SCC 1



6. The present revision petition is accordingly dismissed, at the stage of issuance of notice itself.
7. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 17, 2026

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