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

% *Date of decision: 29th October, 2026*

\# **CNR No. DLHC010171032026**

CRL.M.A. 33825/2026
IN
\+ CRL.M.C. 3124/2026

CHANDA KUMARI & ORS. .....Petitioners
Through: Mr. Apurb Lal & Ms. Neha Mondal, Advocates

versus

DILIP KUMAR SINGH .....Respondent
Through: Mr. Rana Ranjit Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

CRL.M.A. 33825/2026 (*seeking early hearing*)

1. The present application filed on behalf of the petitioners seeking early hearing.

2. For the reasons stated in the application, the same is allowed.

3. The petition is taken up for hearing today itself.

CRL.M.C. 3124/2026

4. The present petition has been filed under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS').

5. The grievance of the petitioners is that the Family Court-02, Rohini

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(North-West), Delhi has refused to issue notice in the Execution Petition No. 278/2024 filed by the petitioners on account of non-production of a Certificate of Pendency of Execution by the petitioners from the Family Court, Dhanbad, Jharkhand.

6. Brief facts necessary for deciding the present petition are as follows:

6.1. On 12th March, 2006, petitioner no.1 was married with respondent at Dhanbad, Jharkhand. Out of the said wedlock, two (2) children were born.

6.2. In 2017, the petitioners filed for maintenance under Section 125 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') before the Additional Family Court-02 ('AFC') at Dhanbad, Jharkhand.

6.3. On 24th May, 2022, the Family Court, Dhanbad directed the respondent to pay maintenance amount of Rs. 10,000/- per month to petitioner no.1 and Rs.10,000/- per month each to petitioners no.2 and 3.

6.4. On 14th July, 2022, the respondent filed a Criminal Revision before the High Court of Jharkhand at Ranchi, which was dismissed on 28th June, 2024.

6.5. In March, 2023, the respondent brought his family including the petitioners to Delhi.

6.6. On 26th October, 2024, the petitioners had filed an execution petition under Section 147 of the BNSS before the Family Court, Rohini, seeking to execute the judgment passed by the Family Court, Dhanbad, Jharkhand awarding maintenance to the petitioners.

6.7. On 25th April, 2026, the Family Court, Rohini directed the counsel

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for the petitioners to produce a certificate (non pendency of execution petition) from the Family Court at Dhanbad.

6.8. Aggrieved by the aforesaid directions, the petitioners have filed the present petition.

7. Mr. Apurb Lal, counsel for the petitioners has drawn attention of the Court to Section 147 of the BNSS, in support of his contention that a maintenance order including an order for interim maintenance can be executed/enforced by any Magistrate, where the parties are residing. Therefore, the insistence of a transfer certificate by the Family Court in Rohini is completely unwarranted.

8. Notice in the present petition was issued on 23rd April, 2026.

9. Written submissions have been filed on behalf of the respondent.

10. Counsel appearing on behalf of the respondent submits that the present petition is not maintainable, as no Government or State Authority has been impleaded as a party and it is purely a private matrimonial dispute between the parties.

11. He also submits that various other petitions have been filed by the petitioners against the respondent, some of which are pending before this Court. He further submits that the petitioners were brought to Delhi by the respondent in March, 2023 and the respondent provided them accommodation in a rented house and got the petitioners no.2 and 3, the minor children, admitted in a school. He has been paying school fees since April, 2023.

12. The aforesaid contention is disputed by counsel for the petitioners.

13. I have heard counsel for the parties.

14. The narrow controversy to be decided in the present petition is with

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regard to the fact whether the present execution proceedings filed by the petitioners before the Family Court at Rohini are maintainable and whether the Family Court is justified in asking the petitioners to produce a transfer certificate from the Family Court at Jharkhand.

15. I have perused the provisions of Section 147 of the BNSS.

16. For the sake of convenience, the same is set out below:

> *"**147. Enforcement of order of maintenance**.*
>
> *A copy of the order of maintenance or interim maintenance and expenses of proceedings, as the case may be, shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance for the maintenance or the allowance for the interim maintenance and expenses of proceeding, as the case may be, is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due."*

17. A perusal of Section 147 BNSS set out above, clearly shows that the order of maintenance including interim maintenance can be enforced by any Magistrate in any place, subject to the satisfaction of the Magistrate, with regard to the identity of parties and non-payment of allowances/expenses.

18. In the present case, it is an admitted position that the petitioners as well as the respondent are residing in Delhi, within the jurisdiction of the Family Court at Rohini. Therefore, there cannot be any doubt about the jurisdiction of the Family Court at Rohini to enforce/execute the maintenance orders.

19. There is no requirement under Section 147 BNSS to provide a transfer certification from the Court, which had passed the maintenance order. Therefore, in the opinion of this Court, the insistence by the Family Court

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for the production of transfer certificate is wholly unjustified and unwarranted.

20. In view of the discussion above, the present petition is allowed, and the Family Court is directed to proceed with the enforcement of the maintenance order, without insistence on a transfer certificate.

21. The costs imposed for non-production of the Transfer Certificate are also set aside.

22. Needless to state that this Court has not expressed any opinion on the merits of the case.

AMIT BANSAL, J

OCTOBER 29, 2026
at

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