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

+ CRL.REV.P.(MAT.) 300/2026, CRL.M.A. 17251/2026

AFTAB ALAM

.....Petitioner

Through: Mr. Maroof Ahmad and Ms. Heena
Parveen, Advs.

versus

MEHNAZ BEGUM

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **26.05.2026**

1. By virtue of the present petition under *Section 438* read with *Section 442* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the following reliefs:

“(a) Call for and examine the record of Ld. JMFC (Mahila Comi-01), North-East District, KKD, Delhi, in Execution Petition No. Ex Crl- 51/2025 titled as Mehnaz Begum Vs. Aftab Alam & Others, before this Hon'ble Court for the purpose of satisfying itself as to correctness, legality or propriety of the finding as recorded by the d. JMFC (Mahila Court-01), North-East District, KKD, Delhi, vide impugned Orders dated 12.03.2026 and 02.05.2026 in the said proceedings;

(b) After examining the same, pass appropriate order(s) / direction(s) to set aside the impugned Orders dated 12.03.2026 and 02.05.2026 passed in Execution Petition No. Ex Crl- 51/2025 titled as Mehnaz Begum Vs. Aftab Alam & Others, by the Ld. JMFC (Mahila Court-01), North-East District, KKD, Delhi, on the grounds as mentioned herein above and in the interest of justice;”



2. At the outset, learned counsel for the petitioner submits that an *ex parte* Decree dated 18.03.2025 *qua* maintenance was passed against the petitioner, and consequently an execution of the same was filed by the respondent. Thence, he submits that the petitioner had moved an application under *Section 28* of the Protection of Women against Domestic Violence Act, 2005 (***PWD Act***) on 25.04.2026. In the execution proceedings, the learned Executing Court *vide* order dated 02.05.2026, had categorically observed as under:-

“It is made clear to the JD that the Court will hear his application under Section 28 of PWDV Act only after he appears physically.”

3. Based thereon, the learned counsel for the petitioner submits that the learned Executing Court could not have passed the same.

4. In view of the aforesaid submissions, as also since it is in the interest of parties that the proceedings before the learned Executing Court continue further, issuance of notice to the respondent is dispensed with.

5. Though this Court is not interfering with the direction for the petitioner to remain physically present on the next date of hearing *vide* order dated 02.05.2026 *qua* the execution proceedings, however, learned Executing Court is directed to proceed with hearing the application made under *Section 28* PWD Act, *de hors* securing the presence of the petitioner physically as he is allowed to appear through VC.

6. The present petition, along with the pending application, is disposed of with the aforesaid directions.

SAURABH BANERJEE, J

MAY 26, 2026/Ab