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

+ **MAT.APP. 55/2010 & CM APPL. 7678/2010**

RADHA KRISHAN

.....Appellant

Through: None.

versus

KAILASH BALA DEVI

.....Respondent

Through: Ms. Simran Aggarwal, Adv. for
GNCTD (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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07.04.2026

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 28 of HMA, seeks the following prayers: -

“It is, therefore, prayed that the Hon'ble Court may be pleased to summon the record of the Trial Court, peruse the same and the Impugned Judgments dated 9.2.2009 and 21.2.2010 may kindly be set aside/modified.

Any other relief or reliefs which this Hon'ble court may deem fit and proper be also passed in favour of the appellant and against the respondent, to meet the ends of justice.”

3. *Vide* judgment dated 21.02.2009, the learned Addl. District Judge, North-1, Rohini Courts, passed the following directions:-

“As issue no 1 has been decided in favour of the petitioner to the effect that present petition is maintainable and issue no 2 is decided to the effect that petitioner has no independent source of income, respondent has not led any contradictory evidence, therefore petitioner is entitled to maintenance. However, in cross examination petitioner has specifically



mentioned that she requires Rs.6,000/- per month for herself as well as for her children, hence I am of the opinion that amount of Rs.6,000/- per month will be just and sufficient for petitioner to be awarded as permanent alimony for petitioner and her two children from the date of filing of present petition. This amount of Permanent Alimony shall be a charge on House no. 286, Gali no. 2, Than Singh Marg, Anand Parbat, Delhi. Decree sheet be prepared accordingly. File be consigned to record room.”

4. An application seeking stay of the Trial Court proceedings, being CM No. 7678/2010, was filed by the present appellant and on 13.07.2010, the learned Predecessor Bench had passed the following order:-

+MAT APP No. 55/2010 & CM No. 7678/2010 (stay)

At the first instance the petitioner shall clear the entire arrears and the matter shall be heard thereafter.

List on 30.08.2010.”

5. Thereafter, the matter was adjourned *sine die vide* order dated 10.11.2010 passed by the learned Predecessor Bench, by observing as under:-

+ MAT.APP.No.55/2010 and C.M.No.7678/2010 (stay)

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Order dated 13th July, 2010 has not been complied with by the petitioner.

The matter is accordingly adjourned sine die. On clearing the entire arrears of maintenance amount, the petitioner will be at liberty to revive the present petition.”

6. The matter was listed on 23.02.2026, in view of the directions issued by Hon’ble Case Flow Management Committee, High Court of Delhi and Court notice was issued to the parties by the learned Predecessor Bench of this Court.



7. Report with regard to the Court notice issued reflects that the appellant has refused to accept notice, and the respondent has been served.
8. None appears on behalf of the appellant. There has been no appearance on behalf of the appellant on the previous dates of hearing as well, *i.e.*, 11.07.2025, 23.02.2026, 13.03.2026 and 24.03.2026.
9. In view of the above, the present appeal is dismissed in default for non-prosecution and disposed of accordingly.
10. Pending application(s), if any, also stands disposed of.
11. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 7, 2026/nk/db