

Ashima Garg vs Anshul Gupta on 22 August, 2022

\$~41

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 3899/2022

ASHIMA GARG

Through: Mr. Aashish George and
Manan, Advs.

versus

ANSHUL GUPTA

Through: Mr. Vibhor Bagga, Adv. Resp

CORAM:

HON'BLE MS. JUSTICE POONAM A. BAMBA

ORDER

% 22.08.2022 CRL.M.A. 16241/2022 (Application for exemption from filing certified copies, legible typed and margined copies of annexures) 1.0 Allowed, subject to just exceptions. Application is disposed of accordingly.

2.0. Vide this petition u/s 482 Cr.P.C, the petitioner has sought directions to expedite and decide in time bound manner the following :-

(a) Mt. Case no. 56777/16, u/S 125 Cr.P.C, pending in the Court of Ms. Preeti Aggarwal Gupta, Family Court, Rohini, N/W, in the light of order dated 19.01.2021 in Crl. M.C no.

25/2021 amnd 09.02.2022 in Crl. MC 1898/21 and/or

(b) Execution proceedings bearing filing no. 640/2022, „Ashima Garg vs. Anshul Gupta pending in the court of Ms. Preeti Aggarwal Gupta, N/W, Family Courts, Rohini.

2.1. It is submitted by the learned counsel for the petitioner that vide order dated 19.01.2021, this Court directed the Ld. Trial Court to decide the petitioner's application for interim maintenance on the next date of hearing/within one month thereafter ; further, the Ld. Trial Court was also directed to decide the petition under Section 125 Cr.P.C within a period of 6 months as the same is pending since 2015.

3.0. Same is borne out from the order dated 19.01.2021 of this Court passed in Crl. M.C. no. 25/2021.

4.0. It is further submitted that subsequently, vide order dated 25.10.2021 passed by this Court, Ld. Principal Judge, Family Court was requested to decide the interim maintenance application of the petitioner within one month from the next date of hearing.

5.0. Mr. Vibhor Bagga, learned counsel for the respondent, who has appeared on advance notice, submits that the petitioner herself is responsible for the delay in decision of her interim maintenance application. He also submits that the petitioner herself stated in her complaint under Protection of Women from Domestic Violence Act that she does not want to press her prayer for interim maintenance ; and her application under Section 24 of HM Act for maintenance pendente lite was dismissed by Learned Principal Judge, Family Court, Gurgram.

5.1. Ld. counsel for the respondent further submits that the petitioner herself has not led evidence despite repeated opportunities ; and evidence by way of affidavit has been tendered recently by the petitioner, which is now fixed for 10.10.2022.

5.2. Ld. counsel for the respondent also submits that the respondent got divorce in the year 2020 and has moved on in life. Since then, the petitioner has started harassing the respondent by filing such type of applications/petitions for early hearing/disposal etc. Prior thereto, the petitioner never bothered to proceed in her own petition, much less seek expeditious disposal of the same.

5.3. Ld. counsel for the respondent further submits that the respondent has no objection to passing of direction for disposal of the petitioner's petition under Section 125 Cr.P.C in a time bound manner.

6.0. Admittedly, the petition under Section 125 Cr.P.C is pending since 2015 and is now fixed for petitioner's evidence for 10.10.2022 before the learned Trial Court. As per the respondent, the petitioner herself is responsible for delay in disposal as she did not lead evidence despite repeated opportunities since 28.05.2019, when the issues were framed and the matter was listed for petitioner's evidence. 7.0. In view of these facts and circumstances, Ld. Trial Court is directed to decide petition u/s 125 Cr.P.C expeditiously and every endeavour shall be made to dispose it of within a period of 6 months.

8.0. Ld. counsel for the petitioner undertakes to lead the petitioner's evidence within a period of 4 weeks ; and that the petitioner shall not seek adjournment in this respect.

8.1. Undertaking of learned counsel for the petitioner is taken on record. 9.0. This petition stands disposed of accordingly.

POONAM A. BAMBA, J AUGUST 22, 2022/chandan Click here to check corrigendum, if any