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

+ **CRL.REV.P.(MAT.) 441/2025**

SATISH KUMAR MISHRA

.....Petitioner

Through: Ms. Geeta Luthra, Senior Advocate
with Ms. Spriha Jha, Mr. Rishabh
Dahiya, Mr. Sanyam Tandon,
Mr. Mohit Rana and Mr. Aadish Jain,
Advocates.

versus

DIBYA

.....Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE ARUN MONGA**

ORDER
26.09.2025

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1. Heard learned senior for the petitioner and perused the case file.
2. The petitioner seeks to set aside the learned Trial Court orders dated 01.03.2024, 18.08.2025, and 23.09.2025 in a matrimonial maintenance case and connected execution case.
3. *Inter alia*, contention is that the ex-parte order awarding ₹75,000 per month and issuing attachment warrants is not only beyond jurisdiction but also violates Sections 125(3) and 126(2) Cr.P.C. The petitioner did not wilfully avoid court. There was undue delay in deciding his applications to set aside the ex-parte order and to place his written statement and income affidavit on record, resulting in accumulation of arrears and prejudice.
4. Dehors, it is also the contention that the respondent concealed her



prior valid marriage, rendering her ineligible to claim maintenance.

5. *Prima facie*, it appears from the material appended with the petition that the respondent/ wife misled the petitioner into performing a void marriage. She seems to have concealed the fact of her earlier marriage from him.

6. Issue notice to the respondent through all permissible modes including e-mail, returnable on 21.11.2025.

7. In the meantime, operation and effect of the impugned orders and even the further proceedings before the learned trial court/execution court shall remain stayed.

8. Copy of the order be given *dasti*.

ARUN MONGA, J

SEPTEMBER 26, 2025

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