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

+ **CRL.REV.P.(MAT.) 140/2024**

PRADEEP KUMAR SINGH

.....Petitioner

Through: Counsel (appearance not given).

versus

AMRITA SINGH & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.12.2024**

CRL.M.A. 37038/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.A. 37040/2024

By way of the present application filed under section 5 of the Limitation Act 1963, the petitioner seeks condonation of 08 months and 10 days' delay in *filing* the petition.

2. Issue notice.
3. Upon the petitioner taking requisite steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
4. Let the notice indicate that reply to the application be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
5. Re-notify on 26th March 2025.



CRL.REV.P.(MAT.) 140/2024 & CRL.M.A. 37039/2024 (stay)

6. By way of the present petition filed under sections 438/442 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns judgment dated 15.03.2024 passed by the learned Family Court in case bearing MT No.151/2022, in proceedings under section 125 of the Code of Criminal Procedure 1973, whereby the learned Family Court has awarded maintenance in favour of the respondents, namely the wife and 02 minor children of the petitioner, in the sum of Rs.6,000/- *each* from the date of filing of the petition - till the wife remarries after divorce, if any, or is able to maintain herself; to the son till he attains majority; and to the daughter till she gets married.
7. Learned counsel appearing for the petitioner submits, that the learned Family Court has proceeded to award maintenance in the aforesaid amount on the basis that the petitioner's income is Rs.30,000/- per month, which is baseless and unfounded, since the petitioner is presently engaged only as a 'labour chowk worker', who has no fixed source of income.
8. Issue notice.
9. Upon the petitioner taking requisite steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
10. Let the notice indicate that reply(ies) to the petition be filed within 06 weeks of service; rejoinder(s) thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
11. Re-notify on 26th March 2025.
12. The revision petition will be considered subject to the outcome of the condonation of delay application *i.e.*, CRL.M.A. No. 37040/2024.



13. It is made clear that there is *no stay* of impugned judgment dated 15.03.2024 passed by the learned Family Court in case bearing MT No.151/2022.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 9, 2024/ds