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

+ **FAO 369/1996 & CM APPL.3840/2020**

KUSUM SHARMA

..... Appellant

Through:

versus

MAHINDER KUMAR SHARMA

..... Respondent

Through:

Mr. Sunil Mittal, Senior Advocate as
Amicus Curiae with Ms. Seema Seth
Advocate.

Ms. Anu Narula, Advocate as Amicus
Curiae.

Mr./Ms. , Advocate for applicant
in C.M. Appl. 3840/2020

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.05.2021**

CM APPL.3840/2020

1. The applicant is seeking impleadment in these proceedings on the ground that the applicant filed an application under Section 340 Cr.P.C. before Metropolitan Magistrate in a matrimonial litigation with his wife and the concerned Metropolitan Magistrate has not correctly interpreted para 19.16 of the order dated 14th January, 2015.

2. This Court is of the view that the impleadment of the applicant is not warranted in these proceedings. However, it is clarified that the word 'ordinarily' used in para 19.16 of the order dated 14th January, 2015 means that the Court has the discretion to invoke the jurisdiction under Section 340



Cr.P.C. in extraordinary circumstances shown to the Court. The application is, therefore, dismissed with liberty to the applicant to avail appropriate legal remedies against the order complained of.

FAO 369/1996

3. The appeal abated on 24th May, 2017 as the appellant expired on 26th September, 2016 and her legal representatives did not pursue the appeal.
4. This appeal was kept pending to frame guidelines for adjudication of maintenance in matrimonial matters.
5. The guidelines framed by this Court were modified from time to time and the final judgment was passed on 06th August, 2020.
6. These proceedings are closed and need not be listed again.
7. This Court appreciates the assistance rendered by Mr. Sunil Mittal and Ms. Anu Narula, learned Amicus Curiae in this matter.

J.R. MIDHA, J.

MAY 21, 2021
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