

07.06.2024

Present: Ms. Priyanka Agarwal, Ld. counsel for DH with DH
along with her SPA.
Sh. Mohd. Sartaj, Ld. counsel for JD with JD.

DH has filed an SPA authorising her daughter Farah Deeba to act for and on behalf of DH in this petition. The same is taken on record.

JD has filed an affidavit of his assets wherein he claims that he has no assets. He has also placed on record one bill to show that the phone produced on last date was the phone of his wife which he has taken for use from her. On perusal of the same, it appears that the phone carried by the JD on the last date and even today is of make Vivo and as per the bill filed today the same is of a sum of Rs.32,999/-. On court query, JD submits that his wife know some stitching work and earns about Rs.100/- to 150/- per day. It appears a bit surprising that a person who earns Rs.100/- to 150/- per day shall purchase a phone of Rs.33,000/-.

To counter the same, JD submits that his wife had taken a loan on the said mobile after paying Rs.5,000/- as down payment. The loan is stated to be for a period of six months and as per JD his wife is paying installment of Rs.3650/- per month. A rough calculation shows that the said amount shall come to about Rs.21,000/- and in case down payment of Rs.5,000/- is added to it, the amount payable for the phone comes to around Rs.26,000/-.

The reason why this court laboured as above is to point

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out that the JD appears to be making false submissions before this court and is trying to portray himself as a pauper which *prima facie* does not appear to be true.

JD is a able-bodied man and thus, it can be safely said that he has the capacity to pay. The order-sheet dated 31.05.2024 also notes the said facts.

Since the JD has now refused to pay any money and this court is of the opinion that the JD is intentionally avoiding payment, there is no way out except to try executing the decree by way of arrest. As per order-sheet dated 07.03.2024, warrants of arrest sent earlier had also come back unexecuted.

At this stage, JD seeks 30 minutes to arrange some payment. Allowed.

The matter has been called again and JD has paid Rs.25,000/- cash to the DH and thus, till date JD has paid Rs.91,600/-. JD undertakes to pay a sum of Rs.15,000/- within one week from today and a sum of Rs.40,000/- per month w.e.f. 10.07.2024.

Signatures of the JD in this regard are taken on this order-sheet.

It is agreed before this court that in case the JD adheres to the payment schedule, the DH shall consider treating the decree as satisfied once the entire principle is paid.

To come up for further payment on 10.07.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
07.06.2024