

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA(MAT) No. 31 of 2022

Amit Dubey *Versus* Abhilasha Dubey

24/08/2023	Shri Tarun Dansena, counsel for the appellant. Shri Atul Kesharwani, counsel for the respondent. Both appellant and respondent are present before the Court. Respondent/wife appears and requests that Shri Atul Kesharwani, Advocate and his associates may be allowed to appear on her behalf. Shri Atul Keshwarwani, Advocate who is present before the Court would submit that the Vakalatnama is not being accepted by the Registry because of the fact that NOC is not been granted by the earlier counsel. Learned counsel would submit that earlier counsel Shri A.P. Sharma has passed away. We are unable to understand the way the Registry operated, as the tender of any power cannot be refused on such ground when the earlier counsel is no more, otherwise it is the domain of the Court to pass necessary order and no party can be stopped to represent by Registry. In view of the above, Shri Atul Kesharwani, learned counsel is allowed to file power before the Court on behalf of the respondent. Registrar (Judicial) is directed to place his explanation in this regard. Today appellant/husband appears and offers to pay Rs.30,000/- to the respondent/wife. On having enquired about the properties held by the appellant, it is stated that one Car Model i-10 bearing registration No. CG 10 Y 1417 and another bike Model CD Delux bearing registration C.G. 11 CK 7472 are in

possession of the appellant. The amount of Rs. 5 lakhs which was directed to be paid by order dated 01/09/2022 till date installment of Rs.1,90,000/- still remains to be paid.

The respondent/wife would submit that the jewelery which belongs to her are in possession of the family members of the appellant and they are using it which can be demonstrated by the photographs available in the face book account.

Under these circumstances, the appellant is directed to place on record the assets held by him and the bank account. He is also directed to file a reply as to why he may not be sent to civil prison for deliberately avoiding the payment of amount which was ordered by the interim order. At this juncture, the appellant who is present in person along with his counsel would submit that he may be given time till October, 2023 to liquidate the entire dues. In view of aforesaid submissions, we deem it proper to fix the case on 20th September, 2023.

On that date, both the appellant and the respondent shall be present in the Court. The respondent shall also be allowed to place on record any evidence to show that the appellant is in hold of sufficient means/the jewelery which belongs to her are in possession of the family members of the appellant.

List the case on 20th September, 2023.

Today Rs.30,000/- is paid by the appellant to the respondent. Further orders would be passed on the next date of hearing.

Sd/-

(Goutam Bhaduri)
Judge

Sd/-

(Sanjay S. Agrawal)
Judge