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

+ **CONT.CAS(C) 164/2021**

**SMT SAPNA & ANR.**

..... Petitioners

Through: Mr. Narendra Gautam, Adv.

versus

**SHRI KISHAN @ DEEPAK**

..... Respondent

Through: Mr. Ishan Sanghi, Ms. Sagrika  
Wadhwa & Mr. Arish Chaudhary,  
Adv. with respondent in person.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

% **23.11.2022**

1. The present petition alleges wilful disobedience of the directions contained in the judgment / order dated 26.02.2020, passed by this Court in CRL. REV. P. 805/2018. The operative directions therein are as under:

*11. Thus, dividing the family resource cake of Rs. 8,981/- on the basis of the salary slip for the month of February, 2017, in four equal shares, the petitioners' share come to about Rs.4490/- collectively. Accordingly, respondent No.2 is directed to pay maintenance @ Rs.4490/- to the petitioners from the date of application till the passing of the impugned order by the Family Court.*

*12. While passing the impugned order, the Family Court also disposed of an application filed by the petitioners under Section 127 Cr.P.C. being M.No.30/2017 for enhancement of the interim maintenance amount. During the course of the arguments, learned counsel for respondent No.2, on instructions, submitted that respondents' present*

*net salary is Rs.13,600/-.Accordingly, dividing the family resource cake of Rs.13,600/- into four equal shares, the petitioners' share come to Rs.6800/- collectively. The respondent No.2 is directed to pay maintenance @ Rs.6800/- to the petitioners from the date of passing of the present order till the petitioners are entitled for the same.*

*13. A perusal of the records reveal that during the pendency of the maintenance petition, the Family Court had awarded interim maintenance @ Rs.1,500/- to petitioner No.1 and Rs.1,000/- and to petitioner No.2. The maintenance amounts already paid to the petitioners shall be adjusted.*

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*15. As noted above, it has not come on record that the petitioner no.1 had any source of income during the pendency of the petition, hence it is directed the*



*maintenance amount shall be payable from the date of filing of the maintenance petition. The same shall however, be subject to the maintenance already paid before the Family Court.*

3. Admittedly, there are significant arrears of maintenance payable to the petitioners by the respondent.
4. According to the petitioner, the arrears as on date are Rs.2,32,170/-.
5. The respondent who appears in person, is not in a position to refute the aforesaid.
6. *Prima facie*, the respondent is guilty of committing contempt of court under Section 2(b) read with Sections 11 and 12 of the Contempt of Court Act, 1971.
7. However, since the reply of the respondent is not on record, further orders are deferred till the next date of hearing. Let the reply stated to have been filed on behalf of the respondent, be brought on record before the next date of hearing.
8. List the matter on 15.12.2022.

**SACHIN DATTA, J**

**NOVEMBER 23, 2022**

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