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

+ **CONT.CAS(C) 699/2019**

PUSHPA GUGLANI

..... Petitioner

Through: Ms. Bhavna Vijay, Advocate for Ms.
Prabhsahay Kaur, *Amicus Curiae* with
Petitioner in person.

versus

AMIT GUGLANI

..... Respondent

Through: Ms. Priyanka Sinha with Mr. Aditya
Malhotra, Advocates with
Respondent in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.03.2023**

1. This order is being passed with the consent of the parties.
2. It is admitted that the Petitioner herein i.e., Ms. Pushpa Guglani is entitled to receive on or before 10th of every month, a sum of Rs. 10,000/- per month towards maintenance, in pursuance to the order dated 29.08.2018. It is further admitted that this current maintenance has been paid to her as on 28.02.2023.
3. There are admittedly arrears of maintenance, which are due and payable by the Respondent i.e., Mr. Amit Guglani to the Petitioner herein. Respondent states that he will pay an additional sum of Rs. 10,000 per month to clear the arrears.

Quantum of arrears

4. With regard to recovery of arrears, there are three execution petitions filed by the Petitioner i.e., the Ex (Crl) No. 101/2021, 70/2022 and 300/2022 for recovery of the arrears.
- 4.1 The Respondent, Mr. Amit Guglani admits that there are arrears of



Rs. 90,000/- payable in Ex (Crl). No. 70/2022. He, similarly, admits that there are arrears of Rs. 90,000/- payable in Ex (Crl). No. 300/2022.

4.2 In this manner, he admits that a sum of Rs. 180,000/- is due and payable towards the said two execution petitions Ex. (Crl) No. 70/2022 and 300/2022.

4.3 With respect to the Ex. (Crl). No. 101/2021, the Petitioner states that the arrears are for Rs. 1,10,000/-. This is also borne out from the order dated 20.12.2022 passed by the Executing Court.

However, the Respondent herein states that as per an earlier report of *Nazir*, the amount of arrears is Rs. 70,000/- and not Rs. 1,10,000. He, therefore, seeks liberty to verify the outstanding amount from the *Nazir* within two weeks. He undertakes that he will abide by the confirmation issued by the *Nazir*.

4.4 The total arrears are thus, Rs. 2,90,000 as per the Petitioner in three execution petitions.

4.5 There are admitted arrears of Rs. 1,80,000 as per the Respondent in Ex. (Crl) No. 70/2022 and 300/2022.

4.6 Subject to the report of the *Nazir* in Ex. (Crl). No. 101/2021, the Respondent undertakes to pay the sum of Rs. 1,10,000/- towards the arrears under Ex. (Crl). No. 101/2021. The order of the Executing Court dated 20.12.2022 finds that the arrears are Rs. 1,10,000/- .

5. In this view of the matter as per the record of the Executing Court as on date the arrears of maintenance are Rs. 2,90,000/-. The Respondent agrees and undertakes to this Court that the arrears will be cleared by making a payment of Rs. 10,000/- each month, in addition to Rs. 10,000/- of current interim maintenance until the arrears are cleared. Respondent thus,



undertakes he will remit a total sum of Rs. 20,000/- each month before 10th of each month directly to her bank account.

6. In this manner, the Respondent will clear the arrears of Rs. 2,90,000/- within 29 months, which will start in March 2023 and expire before July, 2025. Thereafter, from August, 2025, the Respondent will continue to pay towards the current maintenance charges.

7. In the event, on verification in Ex. (Crl.) No. 101/2021, the Executing Court holds that the arrears are Rs. 70,000/- and not Rs. 1,10,000/- as contended by the Respondent, the difference of Rs. 40,000/- will be accounted for April, 2025 to July, 2025.

8. The Respondent is bound down to this undertaking.

9. The Respondent requests that the bank account, to which these payments have to be made be mentioned in this order to avoid any dispute between the parties. Learned counsel for the Petitioner shall communicate the details of the Petitioner's Bank account to the Respondent. The details of the bank account of the Petitioner will be provided through email to the learned counsel for the Respondent by the learned counsel for the Petitioner.

10. The Petitioner states before this Court that so long as the Respondent continues to pay the sum of Rs. 20,000/- as agreed above without any default, she will not proceed any further with the execution until the arrears are cleared.

11. List on 30.10.2023.

MANMEET PRITAM SINGH ARORA, J

MARCH 6, 2023/msh