

\$~28

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

+ **MAT.APP.(F.C.) 302/2019**

SONU RANA

..... Appellant

Through: Dr.Alok and Mr. Siddharth Narang,
Advocates with appellant in person

versus

PROMILA

..... Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

%

25.11.2019

C.M.Appln.50763/2019 (Exemption)

Allowed subject to all just exceptions.

MAT.APP.(F.C.) 302/2019 & C.M.Applns. 50762/2019 (stay), C.M. Appln. 50764/2019 (for condonation of delay of 84 days in filing the appeal)

1. The appellant/husband is aggrieved by an order dated 29.07.2019, passed by the learned Family Court disposing of an application filed by the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 praying *inter alia* for grant of *pendente lite* maintenance and litigation expenses for herself and her 3 years old minor son, who is in her care and custody.

2. By the impugned order, the learned Family Court has directed the appellant/husband to pay a sum of Rs.25,000/- per month to the respondent/wife and Rs.7,000/- per month to the minor son as maintenance

from the date of moving the application, i.e. from 25.07.2019, till the date of passing of the order. The maintenance has been directed to be paid by the appellant to the respondent on or before 10th day of each English Calendar month, by depositing it directly into her bank account. Further, the appellant/husband has been directed to pay a sum of Rs.11,000/- to the respondent towards litigation expenses. The arrears of maintenance were required to be paid by the appellant/husband in six equally monthly instalments, commencing from August, 2019.

3. On enquiring from learned counsel for the appellant/husband, as to whether any amount has been paid to the respondent, he states that arrears of maintenance to the tune of Rs.9.50 lakhs (approximately) are still due. By now, almost four months have expired since the date of passing of the impugned order, which meant that the appellant/husband ought to have paid a sum of Rs.6 lakhs (approx) towards the instalments in terms of the impugned order.

4. On further enquiry from the learned counsel for the appellant/husband as to whether the appellant/husband had on his own paid any amount to the respondent/wife or the minor child in her custody, from 25.07.2017 till date, he concedes that not a single penny has been paid to the respondent till the impugned order came to be passed or even thereafter, till date.

5. Learned counsel for the appellant/husband volunteers on behalf of his client that he shall clear the arrears of the instalments payable under the impugned order, but requests that the amount payable under the impugned order may be reconsidered in the light of the fact that

the monthly income of appellant/husband is Rs.50,000/- and the interest on the FDR that he is getting is not so much that his monthly income would come to Rs.80,000/-, as held in the impugned order.

6. As learned counsel for the appellant/husband states that his client is ready to show his *bona fides* by clearing the instalments of arrears due and payable to the respondent under the impugned order and further, clear the monthly maintenance, if the said amount is reduced, from the month of August, 2019 onwards, orders on the present appeal are deferred to await proof of payment of the instalments of the arrears payable to the respondent in terms of the impugned order and to await proof of payment of at least a sum of Rs.20,000/- per month to the respondent for the months of August to November, 2019. Learned counsel assures that needful shall be done within 10 days.

7. List on 18.12.2019, to await compliance.

8. In the meantime, a written intimation of the next date of hearing shall be given by learned counsel for the appellant/husband directly to the respondent as also the counsel appearing for her before the Family Court. Proof of deposit and intimation shall be kept handy on the next date of hearing.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 25, 2019

S