

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4838/2005

(From the judgement and order dated 30/11/2004 in CRP No. 910/2003 of The
HIGH COURT OF DELHI AT N. DELHI)

SIS PAL

Petitioner(s)

VERSUS

JYOTI SHASHI BALA

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 10/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr.Biswajit Swain,adv.

Mr. Abhisth Kumar,Adv.

For Respondent(s)

Mrs.K. Sarada Devi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both the parties.

the order passed

This special leave petition is directed against

by the High Court of Delhi dismissing the Civil Revision petition fi

led by the

petitioner herein as not maintainable. We have perused the order passed by

the Additional District Judge, Delhi, in the appeal filed by the petitioner

herein in HMA No. 660/2001. The Appellate Court came to the conclusion

that the income of the husband - the petitioner herein, was Rs.30,000/- and

therefore taking into consideration of the said income fixed the monthly

maintenance at Rs.15,000/- from the date of the

-2-

application. In addition a sum of Rs.11,000/- was also ordered to the

respondent herein as litigation expenses. We have carefully perused the

other relevant records in the order passed by the Additional District Judge.

We are of the opinion that there is no evidence or material placed before the

Additional District Judge to arrive at the figure of Rs.30,000/- as income of

the petitioner. It is not in dispute that the respondent is living alone and she

has no issues. Considering the status of both the parties and the other

circumstances it is just and proper in fixing the monthly maintenance at

Rs.5000/- per month from the date of the application. The petitioner shall

pay the entire arrears at the rate of Rs.5000/- per month from the date of

application within three months and in three equal instalments. By order

dated 11.3.2005 this Court while issuing notice directed the petitioner to

deposit a sum of Rs.11,000/- in this Registry within a week from 11.3.2005. It

is stated by the counsel for the petitioner that the said direction has been

complied with. We therefore direct the Registrar General of this Court to

issue uncrossed demand draft in the name of the respondent Jyoti Shashi

Bala on production of the copy of this order in the Registry. It is stated that

in view of the financial condition the respondent is not in a position to open

any bank account. Taking into consideration of the said representation we

direct the Registry to issue an uncrossed draft for Rupees eleven thousand in

the name of the respondent. We direct the petitioner to strictly comply with

our direction given above, failing which the respondent is at liberty to take

appropriate proceedings.

The special leave petition is disposed of on the above terms.

[SUMAN WADHWA]

[MADHU SAXENA]

COURT MASTER

COURT MASTER