

ITEM NO.50

COURT NO.3

SECTION XV

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).9581/2006

(from the judgment and order dated 13.7.2005 passed by the High Court of Judicature for

Rajasthan at Jaipur Bench, Jaipur in D.B. Civil Misc. Appeal No. 2317/2003 and the order dated

22.2.2006 passed by the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in D. B.

Civil Review Petition No. 31 of 2005 in D.B. Civil Misc. Appeal No. 2317/2003)

RAJAN BHATIA

Petitioner(s)

VERSUS

SMT.NISHA BHATIA

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 19/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Ms. Shobha, Adv.

For Respondent(s)

Mr. Ajay Choudhary, Adv.

Mr. Nimish Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Heard the parties.

By the impugned order the High Court, during the pendency of the

appeal before it, has directed that the petitioner shall pay to the respondent by

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way of interim maintenance at the rate of Rs. 6,000/- per month for the

expenses of the wife and her daughter from the date of application for

maintenance, that is, 9.2.2005 and further directed that the arrears amount

shall be paid in three instalments.

In the facts and circumstances of the case and having taken in to

consideration the entire matter, we are of the view that the High Court was not

justified in awarding maintenance at the rate of Rs. 6,000/- per month but the

same should have been awarded at the rate of Rs. 3,500/- per month only.

Accordingly, we modify the impugned order to this extent that the petitioner

shall be required to pay maintenance at the rate of Rs. 3,500/- per month only

instead of Rs. 6,000/- per month with effect from the date of filing of the

application for maintenance, that is, 9.2.2005. The entire amount of

maintenance from 9.2.2005 till the month of October 2006 must be paid within

a period of two months from today. The current amount of maintenance for the

month of November 2006 shall be paid by 15th day of December, 2006 and

likewise for every succeeding month.

With this modification in the impugned order, the Special Leave

Petition is disposed of.

(Rajesh Dham)

Court Master

(Om Prakash)

Court Master