

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2458 OF 2006

Rajesh Kumar Singh @ Dipu Singh

Appellant

VERSUS

Rita Singh

Respondent

WITH

SLP(CRL.) NO. 4355-4356 OF 2005

O R D E R

This appeal by special leave is directed against the judgment and order dated 09/02/2004 passed in Letters Patent Appeal No. 43/2004 by the High Court of Judicature at Patna, wherein the Division Bench has dismissed the appeal and thus upheld the order passed by the Family Court at Patna granting maintenance to the respondent-wife a sum of Rs.10,000/- per month.

This order was passed in view of the fact that the appellant-husband Mr. Rajesh Kumar Singh @ Dipu Singh succeeded in getting an ex-parte decree of divorce from the Watford County Court at London, U.K.

In spite of the fact that the appellant-husband succeeded in securing an ex-parte decree of divorce in his favour which was passed by a Court abroad at London, the appellant-husband, has challenged the order of the Family Court at Patna awarding maintenance to the respondent-wife by filing a writ petition in the High Court at Patna before the Single Judge, who was pleased to dismiss the writ petition and thus upheld the order passed by the Family Court granting maintenance to the respondent-wife.

The appellant-husband thereafter preferred Letters Patent Appeal before the Division Bench, which was also dismissed vide impugned order dated 09.02.2004, against which the appellant has preferred the instant appeal.

It was pointed out that the order passed by the counsel for the respondent-wife Family Court in any case is interim in nature since the main suit bearing Title Suit No. 1/1997 for determination of the final award of maintenance is still pending before the Trial Court.

Having heard the counsel for the parties, we are of the

view that this matter is one of the most unfortunate cases where the appellant-husband who has succeeded in getting an ex-parte decree of divorce in a foreign country in U.K. without even paying a single penny by way of alimony and the respondent-wife had been compelled to leave the country where she had settled down with her husband and reached India, is still contesting even the award of maintenance which is interim in nature.

In the prevailing circumstance the wife initiated a proceeding in the Family Court claiming award of maintenance and the same is still subjudice, yet the interim award of maintenance fixing Rs.10,000/- per month to the respondent-wife as an interim measure, has not been complied with by the appellant-husband, but he is diligently prosecuting the appeal even against the interim award of maintenance by filing a writ petition in the High Court and having lost on that count, has still been chasing the matter by preferring Letters Patent Appeal which has reached to the highest Court by way of this special leave petition.

We strongly deprecate this attitude of the appellant-husband as it is at least expected of him to comply with the order passed by the Family Court which has not been stayed by any court including this Court. It is strange that the respondent-wife also has not pursued her claim of maintenance which, of course, she is still entitled to pursue.

Insofar as this appeal is concerned, it hardly requires further reason so as to state that this is absolutely without any merit and we see not even the remotest grain of substance so as to entertain this appeal.

Considering the fact that the appellant has not paid a single penny even by way of interim maintenance although he has secured an order of ex-parte decree of divorce in the court at London without paying any alimony to the respondent-wife, we dismiss this appeal with a cost of Rs.5,00,000/- (Rupees five lakhs only) which shall be paid to the respondent-wife within a period of four weeks from today.

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We find no substance in these special leave petitions. The same are dismissed with liberty to the petitioner(s) to raise all questions before the appropriate trial court at the time of framing of charge.

.....J.
(GYAN SUDHA MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
FEBRUARY 12, 2014

ITEM NO.103

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 2458 OF 2006

RAJESH KUMAR SINGH @ DIPU SINGH

Appellant (s)

VERSUS

RITA SINGH

Respondent(s)

WITH SLP(Cr1) NO. 4355-4356 of 2005
(With office report)

Date: 12/02/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. Manoj Goel, Adv.
 Mr. Shuvodeep P. Roy, Adv.
 Mr. Gopal Verma, Adv.
 Mr. Brij Bhusan, Adv.

For Respondent(s) Mr. V.K. Singh, Adv.
 Mr. Gourav Goel, Adv.
 Ms. Prachi Singh, Adv.
 Mr. Manik Garg, Adv.
 Mr. Rajesh Kumar, Adv.
 Ms. Garima Prashad, Adv.

UPON hearing counsel the Court made the following
O R D E R

Civil Appeal and special leave petitions are dismissed in
terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER

(Signed order is placed on the file)