

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).7188 OF 2010
(arising out of S.L.P.(C)No.22381/2009)

HARSH BHOLA

Appellant(s)

VERSUS

JYOTI

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against interlocutory order passed by the learned Single Judge of the Punjab and Haryana High Court whereby he declined to stay order dated 24.4.2009 passed by Additional District Judge (Ad-hoc), Fast Track, Panchkula (hereinafter referred to as 'the trial Court') for payment of Rs.8 lakhs to the respondent by way of permanent alimony.

We have heard learned counsel for the parties at length and perused the record.

It is not in dispute that while passing a decree of nullity of marriage, the trial Court directed the appellant to pay Rs.10,000/- per month to the respondent by way of permanent alimony till her life time or till her remarriage. That direction was set aside by the High Court and the matter was remitted to the trial Court for fresh disposal of the

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application filed by the respondent under Section 25 of the Hindu Marriage Act. Thereafter, the trial Court passed order dated 24.4.2009 and directed the appellant to pay Rs.8 lakhs to the respondent by way of permanent alimony.

The learned Single Judge admitted the appeal filed by the appellant but rejected his prayer for stay of the direction given by the trial Court. In our view, ends of justice will be

adequately served by directing the appellant to pay 50% of the amount specified in the order passed by the trial Court with the condition that in the event of dismissal of the appeal, he shall have to pay the balance amount with interest at the rate of 10% per annum.

Accordingly, the appeal is allowed. The impugned order is set aside and it is directed that the appellant shall pay Rs.4,00,000/- to the respondents within six weeks from today. If the appeal is finally dismissed by the High Court, then the appellant shall pay the balance amount to the respondent with interest at the rate of 10 per cent per annum.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
AUGUST 30, 2010.

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ITEM NO.45

COURT NO.11

SECTION IVB

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).22381/2009
(From the judgement and order dated 17/07/2009 in FAO No. 157/2009
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARSH BHOLA

Petitioner(s)

VERSUS

JYOTI

Respondent(s)

(With prayer for interim relief)

Date: 30/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Neeraj Kumar Jain, Sr.Adv.
Mr. Vivek Sharma, Adv.
For M/S. Temple Law Firm,Advs.

For Respondent(s) Mr. Seeraj Bagga, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

In terms of signed order, the appeal is allowed. The impugned order is set aside and it is directed that the appellant shall pay Rs.4,00,000/- to the respondents within six weeks from today. If the appeal is finally dismissed by the High Court, then the appellant shall pay the balance amount to the respondent with interest at the rate of 10 per cent per annum.

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(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)