

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

Petitions for Special Leave to Appeal (Crl.) Nos. 269-270/2023

(Arising out of impugned final judgment and order dated 09-11-2022 in RPF No. 303/2022 and 07-12-2022 in CRLMA No. 4/2022 in RPF No. 303 of 2022 passed by the High Court of Kerala at Ernakulam)

GOPISUNDAR

Petitioner(s)

VERSUS

PRIYA GOPISUNDAR & ORS.

Respondent(s)

(IA No.3811/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 09-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. A. Karthik, AOR
Ms. M. Santhi, Adv.
Ms. Smrithi Suresh, Adv.
Ms. Sreepriya K., Adv.

For Respondent(s)

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

Heard learned counsel for the petitioner.

The only aspect which requires consideration herein is as to whether any further time is to be granted to the petitioner to deposit the arrears of maintenance as ordered by the High Court while remanding the matter to the family court for fresh consideration.

Considering that the amount involved herein is the maintenance, we deem it appropriate that the respondent need not

be burdened with the expenses of litigation by putting them on notice. In any event the amount is to be secured to the respondent towards which an appropriate order is required to be made herein. It is in that view, without directing notice to the respondent, the following order is made.

From the order passed by the High Court, it is noticed that the arrears is indicated as Rs.14,77,000/- .

Learned counsel for the petitioner would however submits that a sum of Rs.3,00,000/- has been deposited thereafter and as such the balance amount payable as on today is only Rs.11,77,000/- . If that be the position, the 50% of the said amount shall be deposited by the petitioner before the family court within one week from this date. If the said requirement is complied with, the petitioner will have the benefit to deposit the balance 50% of the amount within a period of three months from this date.

It is made clear that until such time the family court shall not pass any fresh orders in the remanded matter. However, if the direction issued herein is not complied and amount is not deposited, in that event the direction as indicated in the order dated 07.12.2022 passed by the High Court that the earlier order will come into operation will sustain itself.

On the other hand, if the deposit is made, the family court shall thereafter proceed further to consider the matter as directed by the High Court on 09.11.2022. On deposit of the

amount before the family court , the respondent would be entitled to withdraw the said amount which shall be released to her by the family court.

The special leave petitions are, accordingly, disposed of.

Pending application(s) shall stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR