

Court No. - 39

Case :- FIRST APPEAL No. - 1135 of 2023

Appellant :- Manjeet Singh

Respondent :- Smt. Arti

Counsel for Appellant :- Ram Raj Pandey, Shubham Pandey

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Rajendra Kumar-IV, J.

1. Heard Sri Ram Raj Pandey, learned counsel for the appellant and perused the record.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 arising from the order dated 14.07.2023 passed by the learned Additional Principal Judge, Family Court, Court No.1, Bulandshahr under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act') in proceeding arising under Section 9 of the Act being Case No. 1571 of 2022 (Manjeet Singh Vs. Smt. Arti). By that order, the learned court below has awarded monthly maintenance @ Rs. 3,500/- to the respondent from the date of the order. Also, the learned court below has awarded Rs. 5,000/- towards legal expense.

3. Having heard learned counsel for the appellant and having perused the record, we find, there is no dispute to the fact that the respondent is not gainfully employed. At the same time, it is also undisputed that the present appellant is an able bodied citizen. According to the respondent, he is engaged in providing CCTV installation. Other source of income has also been attributed to the present appellant.

4. While the appellant disputes the other income attributed to him arising from business of installation of CCTV etc., it is not disputed that he is an able bodied citizen. In a matrimonial discord situation and the present circumstance existing, it remains legal liability of the present appellant to provide for

minimum means to the respondent who is an estranged wife to sustain her life and liberty with minimum dignity.

5. Seen in that light, the amount of monthly maintenance awarded @ Rs. 3,500/- to the respondent that too from the date of the order, is neither excessive nor arbitrary. Similarly, the award of one time legal expense Rs. 5,000/- is also not found to be excessive or arbitrary. At present, about Rs. 19,000/- is due and outstanding against the appellant.

6. Last, it has been submitted, sometime may be granted to the appellant to clear the entire default. That prayer we find acceptable.

7. Accordingly, the present appeal is **disposed of** with the following directions :

(i) Subject to the appellant furnishing adequate security to the tune of Rs. 25,000/- to the satisfaction of the court below in the shape of other than cash or bank guarantee on or before 31.10.2023, no coercive measure shall be adopted against the appellant, subject to other conditions provided herein.

(ii) As to the balance amount of Rs. 19,000/- being arrears of maintenance from July 2023 to October 2023 and one time legal expense, the appellant shall deposit the same in two installments such that first installment of Rs. 9,000/- shall be paid on or before 31.10.2023 and second/last installment shall be paid on or before 31.12.2023.

(iii) The appellant shall continue to pay to the respondent or deposit before the learned court below, monthly maintenance allowance from the period November 2023 onwards as and when it becomes due under the terms of impugned order.

8. Any amount already deposited by the appellant may be adjusted towards payment/s to be made by the appellant towards the last installment/s.

9. All the amounts may be either paid to the respondent, directly or be deposited by the appellant with the Court below within time indicated above. In the latter case the amount/s shall be released to the respondent, forthwith.

10. However, it is made clear, in the event of failure on part of the appellant to comply with any part of the order, coercive measures be revived from that stage without any further reference to this Court.

Order Date :- 13.10.2023

Abhilash

(Rajendra Kumar-IV, J.) (S. D. Singh, J.)