

Court No. - 39

Case :- FIRST APPEAL DEFECTIVE No. - 413 of 2023

Appellant :- Himanshu Srivastava

Respondent :- Smt. Pushpa

Counsel for Appellant :- Anurag Mishra

Counsel for Respondent :- Shubham Prakash Gupta, Mukesh Chandra Gupta

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Anurag Mishra, learned counsel for the appellant, Sri Shubham Prakash Gupta, learned counsel for the respondent.
2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 against the order dated 24.03.2023 passed by the Principal Judge, Family Court, Meerut in Case No. 2578 of 2019 (Smt. Pushpa Vs. Himanshu @ Sonu) whereby the learned Court below has awarded interim maintenance to the respondent under Section 24 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') @ Rs. 12,000/- per month from the date of her application dated 13.08.2020 and has further awarded one time counsel fee Rs. 10,000/- and Rs. 250/- per date in the main proceedings for divorce instituted by the appellant.
3. Having heard both learned counsel for the parties, we required the counsel to obtain fresh instructions as to some settlement that the parties may reach as to payment of interim maintenance.
4. Accordingly, upon telephonic instructions received by both the counsel for the parties, it is agreed that the amount of monthly maintenance Rs. 12,000/- may be reduced to Rs. 7,500/-. It is further agreed that the appellant be granted some time to clear the arrears.
5. Since the appellant intends to pay the amount, we **dispose of** the appeal with the following directions:-
 - (1) Subject to the appellant furnishing adequate security to the tune of Rs. 3,00,000/- to the satisfaction of the Court below in the shape of other than cash or bank guarantee by 30.11.2023, no coercive measure shall be adopted against the appellant, subject to further

compliance being made.

(ii) As to the outstanding amount of Rs. 3,00,000/- being arrears of maintenance in terms of the impugned order, the appellant shall deposit the same in fifteen monthly installments of Rs. 20,000/-, each payable by the appellant before the learned Court below on or before 31.12.2023, 31.01.2024, 29.02.2024, 31.03.2024, 30.04.2024, 31.05.2024, 30.06.2024, 31.07.2024, 31.08.2024, 30.09.2024, 31.10.2024, 30.11.2024, 31.12.2024, 31.01.2025 and 28.02.2025.

(iii) The appellant shall pay the amount of Rs. 10,000/- towards the counsel fee on or before 30.11.2023.

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

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

7. 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.

8. 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 :- 8.11.2023

SK Srivastava

(Shiv Shanker Prasad,J.) . . . (S.D. Singh,J.)