

Court No. - 39

Case :- FIRST APPEAL No. - 1309 of 2023

Appellant :- Pankaj Gautam

Respondent :- Smt Vandana Devi

Counsel for Appellant :- Virendra Kumar, Manvendra Nath Singh

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Manvendra Nath Singh, 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 04.10.2023 passed by the learned Additional Principal Judge, Family Court-I, Jaunpur, whereby the learned court below has passed the order referable to Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act') and provided for one time legal expense (to file written statement) Rs. 3,000/- and interim maintenance @ Rs. 2,500/- per month w.e.f. July 2023 to the respondent.
3. Having heard learned counsel for the appellant and having perused the record, we find, no good ground to interfere in the present appeal inasmuch as the respondent is disclosed to be a homemaker with no independent source of income. Certain minimum amounts are necessary to be provided to such an estranged wife at the cost of earning spouse to ensure preservation of life with minimum dignity.
4. Also, upon query made, learned counsel for the appellant fairly states, the appellant is an able bodied citizen. He is described to have earnings by working as a manual labourer.
5. In view of the above consideration, the award of Rs. 2,500/- per month towards interim maintenance during pendency of the proceedings instituted by the appellant for restitution of conjugal rights is found to be just and proper. We also do not

find any error committed by the learned court below in making such award from the date of application. Similarly, the award of Rs. 3,000/- towards legal expense to file written statement, is wholly just and proper.

6. Last, it has been submitted, some time 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. 15,000/- to the satisfaction of the learned court below in the shape of other than cash or bank guarantee on or before 31.12.2023, no coercive measure shall be adopted against the appellant, subject to other conditions provided herein.

(ii) As to the amount of Rs. 15,000/- being arrears of interim maintenance from July 2023 to December 2023, the appellant shall deposit Rs. 8,000/- (Rs. 5,000/- towards arrears of interim maintenance and Rs. 3,000/- towards legal expense) on or before 31.12.2023 and the balance amount Rs. 10,000/-, be deposited in two quarterly installments of Rs. 5,000/- each, such installments being payable on or before 29.02.2024 and 30.04.2024 respectively.

(iii) The appellant shall continue to pay to the respondent or deposit before the learned court below, monthly maintenance allowance from the period January 2024 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 amounts may either be 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 :- 4.12.2023

Abhilash

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