

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **EX.P. 131/2013**

Decided on : 25.02.2015

IN THE MATTER OF:

REENA JAIN

..... Decree Holder

Through: Mr. Girdhar Govind, Advocate with
Mr. Sharat Kapoor, Mr. Noor Alam and
Ms. Neetu Singh, Advocates

versus

RISHAB KUMAR JAIN AND ORS

..... Judgement Debtors

Through: Mr. Anirudh K. Mudgal, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The Decree Holder has filed the present execution petition against the Judgment Debtors No.1 and 2, her parents in-laws, and the Judgment Debtor No.3, her husband, seeking execution of the consent decree dated 27.7.2007 passed in CS(OS)No.573/2007), whereunder the Judgment Debtor No.3 (who was defendant No. 2 in the CS(OS) 573/2007), had agreed to take on rent, a residential premises for the Decree Holder and their minor child and had agreed to pay the lease amount and the water and electricity charges on actual consumption basis. Judgment Debtor No.3 had also agreed that he would continue paying the rent and other charges regularly. The

said order was made subject to the final outcome of the divorce petition filed by the Judgment Debtor No.3 against the Decree Holder and pending in the Family Court at Tis Hazari Courts. It is stated that the aforesaid order was modified subsequently on 26.5.2011, 9.9.2011 and on 14.9.2011.

2. Counsels for the parties state that the proceedings filed under Section 24 of the Hindu Marriage Act, 1955 are still pending before the Family Court and an order dated 5.7.2013 was passed by the learned ADJ in HMA No.314/2012. Aggrieved by the said order, the Decree Holder has filed a petition under Article 227 of the Constitution of India, which is pending consideration in the High Court.

3. Counsel for the Judgment Debtors states that the present execution petitions may be disposed of in view of the consent decree wherein the parties had agreed that they would approach the court seized of the petition filed by Judgment Debtor No.3 under Section 24 of the Hindu Marriage Act, 1955, for modification of the arrangement recorded in the said order, which order has been duly modified vide order dated 5.7.2013 passed in HMA No.314/2012.

4. At this stage, Mr. Girdhar Govind, learned counsel for the Decree Holder states that his client shall pursue her remedies in the proceedings pending before the Family Court, but in the meantime,

the Judgment Debtor No.3 may be directed to furnish a statement of account in respect of the amounts that he has paid to the Decree Holder in terms of the judgment and decree and the subsequent orders, and if the amount is found to be short, then the Decree Holder shall approach the Family Court for appropriate orders.

5. Counsel for the Judgment Debtors states that his clients do not have any objection to the same and he shall furnish the aforesaid details to the other side within two weeks.

6. Accordingly, the present execution petitions are disposed of, along with the pending application, with liberty granted to the Decree Holder to pursue her remedies before the Family Court in the pending proceedings under the Hindu Marriage Act, that is stated to be listed on 16th April, 2015.

(HIMA KOHLI)
JUDGE

FEBRUARY 25, 2015
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