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

\+ **MAT.APP.(F.C.) 115/2015, CM APPL. Nos. 18517/2015 (Stay) and 18518/2015 (Exemption)**

Date of Decision : 7th September, 2015

AMIT GUGLANI ..... Appellant

Through : Mr. R. K. Tarun, Advocate.

versus

PUSHPA GUGLANI ..... Respondent

Through :

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J.

1. Aggrieved by the directions contained in the order dated 18.08.2015 has led to the filing of the present appeal.

2. By an order dated 26.09.2015, the Principal Judge, Family Court had passed the following order :

> *"After hearing both the parties, I am of the view that the dispute regarding genuineness of income tax documents will take some time as police official will be investigating the matter. However, in the meantime the JD is directed to deposit the amount of arrears in the Court in the form of an FDR within one month from today. The said FDR will be released to DH after it is proved that the said income tax returns were not filed by her or if it is proved that DH had filed the said returns, then legal consequences of the same will follow and FDR will be released to JD.*
> *Order be complied within one from today. JD is further directed to deposit current maintenance of Rs.3,000/- every month in the Court w.e.f. October, 2014 by 10th day of every month.*
> *FDR be initially prepared for one year in the name of Court from any nationalized bank."*

3. Thereafter, the petitioner herein had filed a Crl. MC seeking cancellation of Non bailable warrants which had been issued on account of non payment of Rs.1,76,000/- as directed in the order dated 26.11.2014. The non bailable warrants were set aside on the statements made bythe learned counsel for the petitioner to the following effect.

> *"Counsel for the petitioner stats that he is not inclined to press the instant petition on merits at this juncture and the petitioner is willing to deposit a sum of Rs.1,76,000/- before the Court below within three weeks from today, while reserving his right to take all objections that may be available to him in this behalf before any appropriate court, including this court, by way of a fresh petition, if he is so advised thereafter.*

4. The aforesaid amount was still not deposited which led to the filing of a contempt petition and on 23.07.2015 following order was passed:

> *"Resopndent-Husband who is personally present in Court is directed to ensure that all outstanding arrears are cleared in accordance with the order dated 18th September, 2009 passed by the Mahila Court on or before the next date of hearing.*
> *This Court has made it clear to the respondent-husband that a very strict view would be taken in the matter in the even outstanding dues and monthly maintenance @ Rs.3,000/- per month are not paid to the petitioner."*

5. Subsequently, the Principal Judge, Family Court directed release of this amount to the respondent with a rider that in case income tax return was genuine respondent would be liable to return the amount to the Court as and when so directed. Learned counsel for the

petitioner submits that in case the petitioner succeeds to prove that the income tax return are genuine, this amount is to be recovered it would be virtually impossible for the petitioner to recover the amount and he would be forced to file a civil suit against her. We are unable to accept this submission of learned counsel for the petitioner for the reason that the order dated 18.08.2015 is clear that that in case the Court finds the income tax return were infact filed by her, she would be liable to refund the amount to the Court as and when so directed. The respondent would remain bound the directions of the trial court.

6. We have examined the order dated 18.08.2015 read with previous orders passed from time to time. We find no reason to interfere in the order passed by the Principal Judge, Family Court. With these observations, the present appeal stands disposed of along with all pending applications.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 07, 2015
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