

\$~24

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

+ CM(M) 53/2014

JOGENDER SINGH

..... Petitioner

Through: Mr. Jai Bansal and Mr. Nath Mohan
Prafulla, Advs. along with petitioner
in person.

versus

AMARJEET KAUR

..... Respondent

Through: Mr. R.S. Juneja, Mr. Yogesh Kr Rana
and Mr. Amandeep Kaur, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **13.05.2016**

Vide order dated 22nd July, 2013 passed in HMA No. 546/2011 trial court has awarded interim maintenance @ ₹10,000/- per month to the respondent and the children born from the wedlock of the petitioner and respondent. It has been further ordered that out of this amount, i.e., ₹10,000/-, a sum of ₹2,000/- will go to wife and remaining amount, i.e., ₹8000/- will be shared by both the minor children in equal share of 50% each. Litigation expenses of ₹5,000/- have also been awarded.

Aggrieved by the above order petitioner has filed present petition under Article 227 of the Constitution of India.

Vide order dated 27th May, 2014, while issuing the notice to the respondent, operation of the impugned order was stayed subject to petitioner

paying ₹7,500/- per month.

On 19th April, 2016 learned counsel for the parties submitted that parties are exploring possibility of an amicable statement on the quantum of interim maintenance. Today, it is informed that parties have settled the matter. Respondent has agreed to accept ₹7,500/- per month instead of ₹10,000/- towards her maintenance as well as that of her children. Accordingly, impugned order is modified to the extent that petitioner shall pay ₹7,500/- to the respondent towards interim maintenance from the date of filing of the application before the trial court.

Learned counsel for the respondent has pointed out that petitioner has already withdrawn divorce petition on 8th January, 2016 and total amount due and outstanding, in terms of maintenance order @ ₹7,500/- per month, comes to ₹4.50 lacs. Petitioner has not disputed this fact.

At this stage, it is brought to the notice of this Court that execution petition is already pending before Shri Sandeep Gupta, Civil Judge, West District, Tis Hazari Court, Delhi, and is listed on 3rd June, 2016. Question of revoery of arrears of maintenance will, obviously be dealt with in pending execution and no order, in this regard, is to be passed in this writ petition. Writ petition is disposed of in the above terms. Miscellaneous application is

disposed of as infructuous.

Dasti.

MAY 13, 2016

ga

A.K. PATHAK, J.