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

+ MAT.APP.(F.C.) 88/2016 & C.M.Nos.24455-24456/2016

RAJAT BHAI CHIBBER Appellant
Through: Ms.Mohna M. Lal, Ms.Geetali
Talukdar, Ms.Nupur Ahluwalia and
Mr.Prashant Kumar, Advocates

versus

DR RUCHI BALI Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **15.07.2016**

The appellant is aggrieved by an order of the family court dated 29.04.2016 whereby the respondent filed application for maintenance pendente lite under Section 24 of the Hindu Marriage Act which was allowed and he (the appellant) was directed to pay Rs.1,40,000/- per month with effect from the date the application was moved i.e. 13.08.2014. In addition litigation expenses quantified at Rs.50,000/- were directed to be paid.

We have heard learned counsel for the appellant and have considered the impugned order as well as the materials on record. The respondent wife had originally claimed Rs.3 lakhs as monthly maintenance. The family court prima facie – based upon an evaluation of the materials on record held that the appellant's salary after conversion into Indian rupees worked out to Rs.4,52,000/- per month and having regard to the nature of the expenditure incurred by

the wife and the daughter who is with her in Delhi was of the opinion that Rs.1,40,000/- was justified as maintenance.

This court is of the opinion that there is no infirmity in the said decision. Learned counsel for the appellant urged that the time frame within which the arrears of maintenance had to be paid over to the wife (i.e. starting from 13.08.2014) is extremely inconvenient and likely to cause serious financial prejudice to the appellant. The family court has directed that the liability towards arrears is to be discharged by payment of six equated monthly instalments commencing from the date of the order. Without any expression on the merits of this contention, we are of the opinion that an appropriate application for suitable payment schedule, urging the necessary grounds in that regard may be filed before the family court. In such event, the family court would decide the said application on its merits uninfluenced by the order of this court with respect to the principle issue of quantum of maintenance of Rs.1,40,000/- per month. All rights and contentions of the parties are reserved; it goes without saying that the application if moved, would be decided after issuing notice and hearing the views of the respondent. The application is to be confined to the question of time frame of payment of arrears.

The appeal along with the pending applications is disposed of in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JULY 15, 2016/rb