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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1158/2016 & C.M. Nos. 42346-47/2016
NEERAJ JAIN

..... Petitioner

Through Mr. Vineet Jain, Adv.
versus

RITU JAIN

..... Respondent

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **23.11.2016**

The petitioner is aggrieved by the order dated 03.09.2016. Vide order dated 03.09.2016, the learned Family Court Judge had disposed of the application filed on behalf of the judgment debtor/husband for a direction to the decree holder to deposit the diet money; in default of deposit of diet money, to release the judgment debtor from jail. In the course of hearing, the Court had noted that the judgment debtor had been sent to jail for non-payment of an amount of Rs.2,85,000/- which had subsequently enhanced to Rs.6,45,000/- as on July, 2016. The divorce petition i.e. HMA No.103/2014 is pending inter-se the parties. By this order, the Court had directed the judgment debtor, who was confined in jail since the last more than 13 months, be released from jail in order that he could make the payment of Rs.1 lac to the wife/decreed holder by the next date. It is stated that that next date now fixed before the Principal Judge, Family Court is 07.02.2017.

At the outset, learned counsel for the petitioner/husband

submits that the conditional order passed by the Family Court releasing the husband on the condition that he will pay Rs. 1 lac is an order which is liable to be set aside. This Court in the first instance has put to the petitioner as to whether he has informed his difficulty to the Family Court on which he answers that he has moved an application before the Family Court. At this stage, he submits that he has expressed his difficulty before the Family Court only orally.

This Court is of the view that this writ petition is not maintainable. It is dismissed. Liberty is, however, granted to the petitioner to express his difficulty to the Family Court who shall answer it in accordance with law.

INDERMEET KAUR, J

NOVEMBER 23, 2016

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