

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 128 of 2017

(Arising out of judgment/order dated 02.08.2016 in Case No.255/2016
of the learned Principal Judge, Family Court, Durg)

- Bhupdas Deshlehre S/o Late Paraganiya, Aged About 48 Years,
R/o Village Salued, Tahsil Patan, District Durg, Chhattisgarh

---- **Petitioner**

Versus

- Smt. Renu Deshlahre W/o Bhupdas Deshlehre, Aged About 40
Years, R/o 17/ C./B. Pocket, Mauroda Sector, Bhilai, District Durg,
Chhattisgarh

---- **Respondent**

For Appellant
For Respondent

Shri Jitendra Gupta, Advocate
Shri A. D. Kuldeep, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board by Prashant Kumar Mishra J.

16/08/2017

1. The present appeal arises out of an order passed by the 3rd
Additional Principal Judge, Family Court, Durg allowing the
respondent's application under Section 24 of the Hindu Marriage
Act, 1955 (henceforth 'the Act, 1955') to award monthly
maintenance of Rs.10,000/- during the pendency of the divorce
suit preferred by the appellant husband.
2. Having heard learned counsel for the parties, the delay of 280
days in filing the appeal deserves to be and is hereby condoned.

3. Heard learned counsel for the parties finally.
4. It is not disputed before us that in a proceeding under Section 10 of the Act, 1955, a consent order was passed in favour of the husband on 11.04.2015, wherein while directing judicial separation, the Family Court also noted the terms of settlement that the appellant shall pay a sum of Rs.10,000/- per month as maintenance to the respondent. Despite the said order, the application under Section 24 of the Act, 1955 has been preferred because the husband stopped paying monthly maintenance to the respondent.
5. In our considered view, once the appellant has consented for paying Rs.10,000/- as monthly maintenance to the respondent wife, he cannot resile and stop payment of the amount nor can he claim that the respondent is not entitled for maintenance. Even otherwise, the decree for judicial separation and payment of monthly maintenance was directed for a period of 2 years w.e.f. April 2015, therefore, the said period has also expired.
6. Having examined the issue brought before us, we are convinced that the appellant is liable to pay the amount for which he has already agreed. Since the appellant was allegedly not paying the maintenance amount fixed earlier, while dismissing the appeal, we also direct the Bhilai Steel Plant, the appellant's employer, to deduct a sum of Rs.10,000/- per month from the appellant's salary and electronically transfer it to the bank account of the respondent. The respondent shall inform her bank account number to the Management of the Bhilai Steel Plant within a

period of 6 weeks from today.

7. In the facts and circumstances of the case, we also direct that the Family Court shall expedite the trial of the suit and make all possible endeavor to dispose of the same at the earliest.
8. The appeal is dismissed with the above direction.

Sd/-
Judge
Prashant Kumar Mishra

Sd/-
Judge
Arvind Singh Chandel

Nirala