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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 337/2017**
JITENDER

..... Petitioner

Through Mr.Vijay Kinger, Advocate.

versus

LALITA

..... Respondent

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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24.03.2017

C.M. Nos.11540-41/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 337/2017 & C.M. No.11539/2017 (stay)

Petitioner is aggrieved by an order dated 13.01.2017 passed on an application under Section 24 of the Hindu Marriage Act (as an interim measure) during the pendency of the aforementioned application. This application had been filed under Section 9 of the Hindu Marriage Act which petition had been filed by the respondent-wife. By way of the impugned order the petitioner as an interim measure had been directed to pay Rs.50,000/- to the wife subject to the rights and contentions of the parties.

Petitioner is aggrieved. His submission is that he cannot pay

the aforementioned. He is simpliciter an electrician and earning Rs.9000/- per month.

This Court notes that there were previous inter se litigations between the parties. A divorce petition under Section 13B(1) the Hindu Marriage Act had been filed by the petitioner which was subsequently withdrawn in the year 2011; also a petition under Section 9 of the Hindu Marriage Act had been preferred by the petitioner-husband which had been disposed of on 18.01.2013; the wife had not contested that proceeding. The marriage was solemnized as way back on 27.4.2009 and the parties are at a war since almost then. Proceedings before the mediation cell had ensued and a settlement (dated 30.9.2013) had been arrived at between the parties wherein the parties had agreed to join one another's company but this did not fructify. This Court also notes the contention of the petitioner that a sum of Rs.78,000/- has paid by him in execution proceedings which was on 02.9.2015. This Court also notes that it is an admitted position that after 02.9.2015 the petitioner has not paid any money to his wife. The marriage is admittedly subsisting. The application under Section 24 of the H.M.A. is alive. The impugned order in this background directing the petitioner to pay Rs.50,000/- subject to the outcome and the final adjudication of those proceeding is an order which suffers from no infirmity. Dismissed.

INDERMEET KAUR, J

MARCH 24, 2017

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