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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 110/2017 & CM No. 23052/2017**

HARISH KUMAR NIMESH Appellant
Through: Mr. Vikram Aggarwal, Advocate
along with Ms. Dipti Mittal.
Appellant in person.

versus

SUDHA NIMESH Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
19.07.2017

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1. The appellant is aggrieved by an order dated 27.01.2017 passed by the learned Principal Judge (South) Family Court, Saket, Delhi granting interim maintenance in favour of the respondent/wife at the rate of Rs. 17,000/- per month w.e.f from the date of the application i.e. 03.01.2015. The arrears were permitted to be paid by the appellant to the respondent in 12 equal monthly instalments. Admittedly, the appellant has not paid any of the instalments as directed.

2. After addressing arguments for some time, learned counsel for the appellant states, on instructions, that he does not wish to press the present appeal on merits but only seeks a clarification to the effect that the amount that is being paid by the appellant to the respondent in terms of the order dated 15.04.2013 passed by the Judge, Family Courts, Saket, New Delhi on an application for maintenance and litigation expenses etc. filed by the

respondent/wife under Section 24 of the Hindu Marriage Act, be taken into consideration while making payment as per the impugned order. He states that vide order dated 15.04.2013, the appellant was directed to pay a sum of Rs. 5000/- per month to the respondent from the date of filing the Section 24 application, till the disposal of the main petition on merits and in terms thereof, the appellant has been paying the said sum to the respondent on a monthly basis.

3. If that be the case, then the appellant is permitted to adjust the amounts paid by him to the respondent after 03.01.2015 and pay the balance amount on account of arrears to the respondent within four weeks from today along with the litigation expenses. A statement of account shall be prepared and handed over to the other side in the same timeline. Thereafter, the monthly maintenance shall be continued to be paid by the appellant in terms of the impugned order.

4. The petition stands disposed of along with the application.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 19, 2017/ss