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

+ LPA 537/2017 & CM APPL. 28578-28580/2017

ASHLEE CARRIE DUBREUIL

..... Appellant

Through: Mr. Chetan Sharma, Sr. Adv. with
Mr. Vijay Joshi, Sushil Kumar
Pandey and Amit Gupta, Adv. a/w
Mr. Pramod Kumar Malik

versus

UNION OF INDIA & ANR.

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

11.08.2017

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The appellant has preferred the present appeal to assail the order dated 16.05.2017 passed by the learned Single Judge rejecting the appellants application to seek an amount of Rs.4,97,05,702/- from respondent no.2. The appellant and respondent no.2 were in a relationship. The appellant is a Canadian citizen. Out of the said relationship, a child was born and who is in the custody of the appellant.

The respondent preferred a writ petition being W.P. (C.) No.6976/2016 before this court to seek a restraint against the appellant from

taking the child out of India. Consequently, the appellant and the child remained in India during the pendency of the writ petition which, ultimately, was withdrawn by the respondent. The respondent had given an undertaking to the court at the time of obtaining the interim order that he shall compensate the appellant in case his claim is found to be unjustified. Eventually, the writ petition was withdrawn. During pendency of the writ petition when the appellant and the child were in India, several expenses were borne by the respondent towards hotel stay, school fee of the child etc.

The appellant preferred an application claiming an amount of Rs.4,97,05,702/- from the respondent no.2, the details whereof were disclosed as follows:

CONSOLIDATED COST AND DAMAGES – MS. ASHLEE DUBREUIL

All amounts in INR

S.N.	PARTICULARS	CONSOLIDATED PAYABLE	DETAILS IN ANNEXURE
1	Hotel Expenses	33,57,702	For break up – refer page
2	Legal Expenses	46,00,000	For break up – refer page 2
3	Misc Expenses	4,38,000	CM 41683, Annexure A-1, Page 20 to 26, 39, 40, 42, 57 to 65, 72
4	Flight Change Expenses	1,60,000	CM 41683, Annexure A-1, Page 47 to 56
5	Staff Salary Expenses	1,50,000	Maid, Security and legal assistance charges
6	School Fees Expenses	-	Full payment made by applicant
7	Expenses in Cash till date	20,00,000	Living Expenses, Clothes & Other necessities, Medical Expenses, Festival expenses customary including Diwali,

			Dussehra, Christmas and new year, and Gifts expenses
8	Esight Loss	40,00,000	Fresh application, Annexure R4/A6, Page 238 to 437
9	Damages – TV Show	50,00,000	Fresh application, Annexure R4/A4, Page 142 to 170
10	Damage – Canada House	1,50,00,000 (Rs. One and half Crore)	Fresh application, Annexure R4/A5, Page 171 to 237
11	Future stay & Schooling expenses / resettlement in Canada	1,50,00,000 (Rs. One and half Crore)	
	Total	4,97,05,702	Rupees Four Crore Ninety Seven Lakh Five Thousand Seven Hundred and Two only

The learned Single Judge has held that the said claims have been disputed by respondent No.2 and would, therefore, have to be established by the appellant. The learned Single Judge has also taken note of the fact that respondent No.2 had paid Rs.55,67,054/- towards hotel expenses; he had provided a vehicle with a driver to the appellant, and; had also paid the school fee of the child admitted to the school in Delhi.

Looking to the nature of claims raised, which are disputed by respondent No.2, we are of the view that the learned Single Judge was justified in leaving it to the appellant to establish her claim in civil proceedings. Merely because respondent No.2 gave an undertaking before this Court does not mean that the appellant can raise any claim, which may be disputed, and even without substantiating the same, the appellant would be entitled to receive the amount claimed by her.

We find no merit in this appeal. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 11, 2017

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