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

+ MAT.APP.(F.C.) 197/2016 and CM APPL. 48147/2016

AMIT KUMAR

..... Appellant

Through: Ms Garima Sachdeva, Adv along with appellant in person.

versus

GEETA

..... Respondent

Through: Mr Digvijay, Adv. along with respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **30.08.2017**

1. The appellant/husband is aggrieved by an order dated 19.11.2016 of the learned Family Court on the application under Section 24 of Hindu Marriage Act for grant of maintenance and litigation expenses to the respondent/wife, whereby the Court had directed him to pay a sum of Rs.15,000/- per month from the date of the filing of application, i.e., 27.08.2015 till the pendency of the main petition and a sum of Rs.11,000/- towards the litigation expenses.

2. On 02.01.2017, when the appeal was listed for admission, while issuing notice thereon to the respondent, it was directed that as an interim measure, the appellant shall pay a monthly maintenance @ Rs.2500/- per month from the date ordered under the impugned order and subject to the same, the impugned order was stayed.

3. Ms. Garima Sachdeva, learned counsel for the appellant, states that ever since then, the appellant has been paying the maintenance @ Rs.2500/- to the respondent and has cleared the arrears at the said rate with effect from the date of filing of the application till date. She states that the

educational qualification of the appellant is B.Com (Pass) and he is taking private tuitions from his residence and the allegations of the other side that he is earning Rs.30,000/- per month, is completely baseless. She further states that the respondent has filed a petition under Section 125 Cr.P.C against the appellant which is pending in a Court at Sonapat which is at the stage of recording of evidence.

4. Having interacted with the counsels for the parties, it is agreed that the appellant shall pay a monthly maintenance to the respondent @ Rs.2500/- with effect from the date of filing of the application, i.e., 27.08.2015, till the pendency of the main petition. Further, the appellant shall pay the litigation expenses under the impugned order to the respondent, if not already paid, within four weeks from today.

5. The respondent shall be at liberty to establish her case for receiving a higher maintenance before the Sonapat Court where her petition under Section 125 Cr.P.C is pending. We are refraining from making any observations on the merits of the case so that an appropriate order can be passed by the said Court, uninfluenced by any view expressed in the present appeal. In the event the concerned Court in the petition filed under Section 125 Cr.P.C awards a higher maintenance to the respondent, the appellant shall pay the said amount after claiming adjustment of the amounts already paid to the respondent towards maintenance. Needless to state that, the parties shall be entitled to assail the said order if aggrieved.

6. The appeal is disposed of along with the pending application.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 30, 2017/bg
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