

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.23/2018
IN
FAMILY COURT APPEAL NO.228/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P. G. Sarda for the Applicant
Mr. A. S. Kulkarni for the Respondent

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : FEBRUARY 7, 2018

P.C.:

1. Heard. This Application is made by husband for extension of time to comply with the terms and conditions as stipulated in Consent Terms dated 27.07.2017.

2. The learned counsel for the Applicant submits that as per the Consent Terms, the Applicant has agreed to pay sum of Rs.11 lacs to the Respondent wife towards permanent alimony and Stridhan. He submits that at the time of filing the Consent Terms the Applicant has agreed to pay sum of Rs.4 lacs on or before 27.08.2017 and Rs.4 lacs on or before 27.12.2018 and remaining Rs.3

lacs on or before 27.01.2020. He submits that as per the Consent Terms, he has already paid Rs.4 lacs to the Respondent wife. He submits that because of some personal difficulty it remained on the part of the Applicant to pay sum of Rs.4 lacs to the Respondent wife on or before 27.08.2017. He submits that the Applicant seeks extension of time till 31.12.2018. He submits that the Applicant husband is ready and willing to pay additional sum of Rs.50,000/- if time is granted till 31.12.2018. To that effect, he has filed affidavit dated 25.01.2018. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Civil Application.

3. On the other hand the learned counsel for the Respondent wife vehemently opposed the Civil Application. The Respondent wife has filed her affidavit-in-reply dated 29.01.2018.

4. The learned counsel for the Respondent submits that even the Applicant has failed and neglected to comply with clause 3(c) of the Consent Terms dated 27.07.2017 which reads thus:

*“3(c) The Respondent shall report to the local police station i.e. Shankarampet Police Station, Hyderabad once in a month at 11 am on 1st Sunday of the month till the entire amount mentioned in **clause 3a** herein above is to be*

paid to the Appellant herein. The Respondent undertakes to this Hon'ble Court that he will intimate the local police station of his whereabouts, address and telephone numbers in case he travels out of town or out of country. A copy of this Consent Terms will be supplied to the concerned police station by the both the parties."

5. The learned counsel for the Respondent submits that therefore, there is no question of granting extension of time to the Applicant. He further submits that the Respondent needs the said amount to perform her second marriage. He submits that if the amount is not received within stipulated time she will have to postpone her marriage.

6. After arguing for some time, the learned counsel for the Respondent after taking instructions from his client who is present in court, makes a statement that at the most the Applicant may be permitted to pay second installment on or before 30.07.2018 with some penalty.

7. We heard both sides at length. Considering the submissions made by the learned counsel for the Applicant and as the Applicant is ready and willing to pay the additional amount for delay in payment of second installment, we are satisfied

that the Applicant has made out a case for extension of time not of one year but six months on payment of additional sum of Rs.25,000/- by way of penalty.

8. Hence, following order is passed:

a. Time to comply with clause 3(a)(ii) of the Consent Terms dated 27.07.2017 is extended till 31.07.2018.

b. The Applicant husband to pay the additional sum of Rs.25,000/- for delayed payment as per his undertaking dated 25.01.2018.

c. It is made clear that no further extension shall be granted for compliance of clause 3(a)(ii) of the Consent Terms dated 27.07.2017.

d. Civil application stands disposed off accordingly.

(SARANG V. KOTWAL,J.)

(K.K.TATED,J.)