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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 23.02.2018

MAT.APP.(F.C.) 45/2018, CM 1078/2018, CM 1099/2018 & CM 7100/2018

S K

..... Appellant

versus

V K K & ANR

..... Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Khusbir Singh, Advocate

For the Respondents : None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present appeal under Section 19 of the Family Courts Act, 1984 belatedly impugns an order dated 04.03.2017, passed by the learned Family Courts, Karkardooma Courts, Delhi in a maintenance petition under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') bearing CC No.344/16, titled as '*V K K & Another vs. S K K*'. At the very outset, it is pertinent to observe that the present appeal has been

instituted after a delay of 312 days from the date of rendering of the impugned order.

2. The facts briefly encapsulated are that the respondents are the elderly parents of the appellant, who on his own admission has a net salary of Rs.21,413/- per month.

3. Owing to the apathy of the appellant, the parents were constrained to move a maintenance petition under Section 125 of Cr.P.C., along with an application for interim maintenance, which was pending adjudication before the learned Family Court since 05.07.2016.

4. It is an admitted position that prior to the directions contained in the impugned order dated 04.03.2017, the learned Family Court had not awarded any ad-interim maintenance to the parents.

5. In this view of the matter, the learned Family Court, vide the impugned order, directed the appellant to pay Rs.80,000/- to his parents in the following manner:-

“.....Out of the said amount, the respondent is directed to deposit Rs.40,000/- within 1½ month in the bank account of the petitioner No.1 and remaining amount of Rs.40,000/- 1½ month thereafter and will produce the deposit receipt in this respect.”

6. The application for interim maintenance is still pending adjudication

before the learned Family Courts.

7. Learned counsel appearing on behalf of the appellant states that in compliance with the impugned order dated 04.03.2017, the appellant has paid Rs.20,000/- to his parents. A perusal of the order dated 12.10.2017 passed by the learned Family Courts reflects that the appellant had undertaken to deposit the balance amount of Rs.60,000/- in two monthly installments starting from November, 2017, which undertaking he has clearly violated.

8. Without commenting further on the deplorable manner in which the appellant has conducted himself in relation to his aged parents, we opine that the present appeal is completely bereft of any merit.

9. The appeal is accordingly dismissed. All the pending applications also stand disposed of. There shall be no order as to costs.

SIDDHARTH MRIDUL
(JUDGE)

DEEPA SHARMA
(JUDGE)

FEBRUARY 23, 2018/dn