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

+ MAT.APP.(F.C.) 145/2018, CM APPL 26227/2018 (stay)

MERAJ UL HAQUE

..... Appellant

Through

Mr. Shakeel Ahmed, Mr. Raj Kishor
Choudhary & Mr. Anupam Bhati,
Advocates.

versus

NAFIS PARVEEN & ANR

..... Respondents

Through

Mr. Anunaya Mehta, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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16.07.2018

The present appeal has been filed by the appellant under Section 19 of the Family Courts Act, 1894 assailing the orders dated 06.06.2018 and 08.05.2018 passed by the Family Court.

The appellant is aggrieved by the order dated 08.05.2018 by which warrants of arrest was issued against the appellant on account of non-compliance of order dated 28.03.2018 with regard to payment of arrears of maintenance.

Mr. Anunaya Mehta, Advocate, enters appearance on behalf of respondents and submits that a sum of Rs.2,00,000/- have been received by respondent no.1. However, counsel submits that the appellant has misled this Court into passing the order dated 06.06.2018. He further submits that an impression has been given as if only a sum of Rs.2,72,000/- is due and payable. Mr. Mehta contends that in addition to balance of arrears amounting to Rs.72,000/-, another amount of Rs.7,50,000/- is due and payable to the respondents. Counsel for the appellant, however, disputes the same and submits that the impugned order was only with respect to non payment of Rs.2,72,000/-,

out of which the appellant has paid Rs.2,00,000/- and the balance amount of Rs.72,000/- would be paid by him by 06.09.2018.

Since, the appellant had undertaken to make payment of Rs.2,00,000/- out of Rs.2,72,000/- on 06.07.2018 itself when the appeal was listed for hearing, we had stayed the operation of warrants of arrest.

Today, learned counsel for the appellant has undertaken to pay a sum of Rs.72,000/- (subject matter of order dated 08.05.2018) by 06.09.2018, we deem it appropriate to suspend the order of warrants of arrest dated 08.05.2018 till 07.09.2018.

It is made clear that in case amount of Rs.72,000/- is not paid on or before 07.09.2018, the warrants of arrest shall be executed against the appellant. We also make it clear that we have not expressed any opinion as to the amount of arrears due. It would be open for counsels for both parties to place the proof of payment made and received before the Executing Court.

The appellant undertakes to continue to pay the current maintenance unless the order is varied or modified by any of the Court.

In above terms, the appeal stands disposed of.

G.S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 16, 2018/ck /