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

+ MAT.APP.(F.C.) 255/2018
DR AMITABH BHASIN

..... Appellant

Through Mr. Aman Mudgal, Advocate.

versus

DR HEMLATA BHASIN

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **05.10.2018**

CM APPL 41420/2018 (Exemption)

Exemption is allowed subject to just exceptions.

Application stands disposed of.

CM APPL 41422/2018 (delay in filing)

This application has been filed by the applicant/appellant seeking condonation of 226 days delay in filing the appeal. Condonation of delay is sought on the ground that the appellant had filed CM (M) 883/2018, which was dismissed, as not maintainable vide an order dated 06.08.2018.

Heard.

Delay of 226 days in filing the appeal is condoned.

The application stands disposed of.

MAT.APP.(F.C.) 255/2018 & CM APPL 41421/2018 (stay)

Challenge in this appeal is to the orders dated 20.01.2018 and 26.02.2018 passed by the Family Court. By order dated 20.01.2018, the Family Court has directed that the case (petitioner seeking divorce) would be taken up on day to

day basis only after payment of arrears of maintenance and the order dated 26.02.2018 by which on account of non-payment of maintenance and non-clearance of arrears, the divorce petition has been adjourned *sine die*.

After some hearing in the matter, counsel for the appellant admits that although the appellant has cleared most of the arrears, some amounts are due. At this stage, counsel for the appellant has brought to the notice of the Court that warrants of arrest have been issued against the appellant. Appellant undertakes that a sum of Rs.50,000/- shall be paid within two weeks and the balance amount would be cleared within three months from today. Binding the appellant to the statement made in Court, we dismiss the appeal as not pressed. However, we make it clear that the parties will reconcile the account within a period of two weeks from today to enable the parties to specify the figure which is due and payable. The matter would be listed before the Family Court for further proceedings after three months from today, when proof of payment of the entire amount shall be provided.

Leave is granted to the appellant to bring this order to the notice of the Family Court.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 05, 2018/ck /

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