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

+ **MAT.APP.(F.C.) 17/2019**

AMIT KUMAR

..... Appellant

Through: Mr. Joel, Adv.

versus

ARCHANA MATHUR

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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18.01.2019

CM. No. 2337/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM. No. 2338/2019 (Delay)

This is an application filed by appellant seeking condonation of 47 days delay in filing the appeal.

For the reasons stated in the application, application is allowed. Accordingly, the delay in filing the appeal is condoned.

The application stands disposed of.

MAT.APP.(F.C.) 17/2019

Challenge in this appeal is to the order dated 22.10.2018 by which the Family Court has directed the appellant to pay a sum of Rs.1 lakh as an interim amount for the child. Learned counsel at the outset submits that parties are actively negotiating for an out of Court settlement. However, he

submits that since the amount has been fixed for the expenses incurred in the past and having regard to the fact that the respondent/wife is earning, it may be directed that this amount may be kept in a fixed deposit in the name of the minor son.

We have heard the learned counsel for appellant.

Reading of the order dated 22.10.2018 would show that it is purely an interim order. The Family Court has taken into account that the appellant/father has not paid any amount towards the maintenance of the child for the past three years. The Family Court has also clarified that this amount shall be paid without prejudice to the rights of the appellant and subject to final adjustments and further this amount shall be treated as paid for the child only. In this backdrop, we modify the order dated 22.10.2018. Let a fixed deposit for a period of three years be made in the name of the child within two weeks from today. Further orders/directions with regard to the FDR shall be passed by the Family Court.

We have modified this order, keeping in view that Family Court has categorically observed '*this amount shall be treated as paid for the child only.*'

Fixed deposit receipt shall be handed over to the mother of the child.

The appeal is accordingly disposed of with the above observations.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 18, 2019/PB