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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 41/2018**

MANISH CHADHA

..... Appellant

Through: Ms. Malvika Trivedi, Ms. Kanchan
Yadav and Ms. Surbhi Anand, Advocates

versus

GURPREET KAUR

..... Respondent

Through: Mr. Badal Pareek, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **15.02.2019**

CM APPL. 6003/2019(recall of the order dated 30.11.2018)

This is an application filed by the appellant seeking recall of the order dated 30.11.2018. Counsel submits that while passing the order dated 30.11.2018, the Court did not take into account the interim order granted on 20.02.2018 which also pertains to the arrears.

We have heard learned counsel for the appellant. On 20.02.2018, the following order was passed:

“Issue notice to the respondent by all permissible modes, including *dasti*, on the appellant taking necessary steps within a period of two days, returnable on 25th July, 2018.

Having heard learned counsel appearing on behalf of the appellant, the impugned order dated 25th July, 2017, is modified in the interim to the extent that the appellant is directed to pay monthly maintenance to the respondent wife @ 15000/- per month from today onwards.

List on 25th July, 2018.”

Reading of the order would show that the only interim relief granted to the appellant was that he would pay maintenance to the respondent wife @ Rs.15,000/- per month from the date of the order. There is no mention regarding

stay of the arrears. We find no infirmity in the order dated 30.11.2018.

The present application is misconceived and is accordingly dismissed.

MAT.APP.(F.C.) 41/2018

Challenge in this appeal is to the order dated 25.07.2017 passed by the Family Court on an application filed by the respondent under Section 24 of the Hindu Marriage Act. In paragraph 33 of the impugned judgment, the Family Court has directed the husband to pay interim maintenance in the following manner:

From the date of filing of the petition i.e. 07.03.2010 till
31.03.2011 @ Rs.10,000/- per month;
From 01.04.2011 to 31.03.2014 @ Rs.15,000/- per month;
and
From 01.04.2014 onwards @ Rs.22,500/- per month.

After detailed hearing in the matter, the parties have agreed on an interim arrangement as under:

The appellant would pay a sum of Rs.15,000/- per month to the respondent during the entire period uniformly from 07.03.2010 onward. The appellant will also pay arrears at the same rate. The arrears would be cleared within six months in equal monthly instalments.

We make it clear that this order will not come in the way of either of the parties to seek maintenance in case of change of circumstances.

With the above agreed terms, the appeal stands disposed of.

CM.APPL 6600/2018 also stands disposed of.

Dasti, as prayed.

G.S.SISTANI, J

JYOTI SINGH, J