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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 257/2020 and CM APPL. 11212/2020**SAUMYA SHUBHAM AND ANR**

..... Petitioners

Through: Mr. Rajiv Bajaj, Advocate with
 Petitioner in person (M:
 9810806329).

versus

UTSAV KUMAR

..... Respondent

Through: Ms. Monika Arora, Advocate (M:
 9810246300).

CORAM:**JUSTICE PRATHIBA M. SINGH****ORDER****%****21.05.2020**

1. The hearing has been held through video conferencing.
2. The present contempt petition has been filed seeking maintenance of Rs. 30,000/- per month in terms of order dated 12th December, 2019 passed by the Family Court. Mr. Rajiv Bajaj, ld. counsel submits that the order is very clear to the effect that Rs. 30,000/- was to be paid per month and despite repeated reminders, the said payment has not been made on a monthly basis and the total arrears are more than Rs. 81,000/-. He relies upon the various orders passed by the Family Court including orders dated 12th December, 2019, 17th October, 2019 and 14th May, 2018 to argue that Rs. 30,000/- per month has been fixed as maintenance. He also relies upon the salary slip of the Respondent-husband, who is working in the US, to urge that he can afford the amount of Rs. 30,000/- per month. He also submits that the daughter of the parties is suffering from a rare disease and there is enormous medical expense and effort by the Petitioner in taking care of the

child.

3. On the other hand, Ms. Monica Arora, ld. counsel submits that the interim maintenance application of the Petitioner continues to remain pending and *ad hoc* amounts have been paid since 2018. Initially, a sum of Rs. 5,000/- was directed to be paid and thereafter Rs. 8,000/- was directed to be paid for medical expenses till further orders. The said amounts were not the monthly amount, which was to be paid by the Petitioner. At best, only Rs. 13,000/- was payable, however, despite this being the position, the Family Court has fixed an *ad hoc* maintenance of Rs. 30,000/- without disposing of the interim maintenance application. She further submits that there is no doubt that the child of the parties is suffering from a rare disease, however, the expenses for the said disease are being borne by the State as directed by a ld. Single Judge of this Court in Cr. Rev. No. 695/2018 vide order dated 31st August, 2018. She submits that the Petitioner is also working and earning more than Rs. 65,000/- and thus the maintenance of Rs. 30,000/- is on the higher side.

4. After hearing ld. counsels for the parties and perusing the record, it is clear that the last and the latest order of the Family Court is order dated 12th December, 2019, in which it is clearly recorded that the Petitioner is to be paid a sum of Rs. 30,000/- per month. The interpretation of the previous orders, and the question as to what ought to be monthly maintenance payable would have to be adjudicated by the Family Court in the interim maintenance application, as this Court is not examining the merits of the matter in the contempt petition. Since the order of the family court is clear, this court is not venturing into the arguments of either of the parties as to their respective earning capacity as also the medical expenses. The same

would have to be considered by the family court while finally deciding the interim maintenance application.

5. Accordingly, it is directed that without prejudice to the rights and contentions of the parties in the matter on merits, the order dated 12th December, 2019 has to be complied with and Rs. 30,000/- would be payable as the monthly maintenance. The arrears, after deducting the amount paid shall be transmitted within a period of two weeks. In order to avoid any controversy as to what is the amount payable, the computation of the amount payable will be sent by Ms. Monika Arora, ld. counsel to Mr. Rajiv Bajaj, ld. counsel within the next three days. If any issue arises as to the computation, the same shall be discussed between counsels. After the amount payable is agreed to, the amount will be transmitted on or before 10th June, 2020.

6. In view of the fact that the interim maintenance application is still pending, it is directed that the Family Court shall take up the matter and dispose of the application on merits, within a period of three months from today without being affected by any previous orders. Till disposal of the interim maintenance application, the amount of Rs. 30,000/- per month shall be paid on or before the 10th of every month.

7. The Petitioner shall submit a complete account of the medical expenses incurred on the child, in the family court, including details of the amount received from the State as reimbursement.

8. The contempt petition is disposed of in the above terms.

PRATHIBA M. SINGH, J.

MAY 21, 2020
MR