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

+ **CONT.CAS(C) 382/2020**

NEELAM KADYAN

..... Petitioner

Through: Mr. Ashutosh Dubey and Mr.
Abhishek Chauhan, Advocates.

versus

NAVEEN DALAL

..... Respondent

Through: Mr. Mukesh Mohan Goel, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **11.08.2020**

The hearing was conducted through video conferencing.

1. The respondent-husband has faulted since November 2019, in paying his estranged wife -- the petitioner, the monthly maintenance amounts as directed by the learned Family Court. The order dated 09.03.2017 passed by the learned Family Court in HMA No.67/2013, was impugned by the husband, all the way up to the Supreme Court without any success. It has to be complied with. The respondent-husband is a lawyer practising in Delhi and he knows fully well that the monies must be paid promptly. A default would entail legal consequences. He says that he had earlier paid the maintenance amounts, either through cash or cheque.
2. His reason for non-payment, is that the monies were previously paid in the Family Court. Surely, that is not a requirement of the

aforementioned order. The COVID-19 lockdown came into force only on 25.03.2020. He had defaulted for the earlier five continuous months without any reason. The pandemic lockdown cannot be any excuse for non-payment because, cash payment is not the only manner of payment. The learned counsel for the husband submits that cheques were also tendered to the petitioner-wife towards discharge of the said responsibility. If husband has earlier paid the wife by cheque or by inter-bank transfer, the same mode of payment could have been adopted for the past nine months as well. Inexplicably, it has not been so done. His non-compliance of the court order, is *ex facie*, wilful. It is in the face of directions, which have received the imprimatur of the Supreme Court.

3. The case was passed over for the learned counsel for the respondent-husband to obtain instructions. Having done so, he states that the arrears of Rs.2.52 lakhs shall be transferred into the petitioner's bank account during the course of the day, through electronic transfer. The bank account details of the petitioner are reproduced hereunder:

Name	Bank	A/c No.	IFSC	Branch
Mrs. Neelam Kadyan	State Bank of India	30271995106	SBIN0004734	MDU, Rohtak, Haryana – 124 001

4. The learned counsel for the respondent-husband further submits that payment in terms of the impugned order shall be made into the above account every month. Let the said monies be deposited into the bank account of the petitioner by the 10th day of each Gregorian calendar

month.

5. Should there be any default in making the payment either in terms of quantum or time, a cost of Rs.5,000/- shall be paid to the petitioner, for each default. However, for having constrained the petitioner to approach this court for receipt of her legitimate dues, the respondent-husband shall deposit costs of Rs.25,000/- directly into the petitioner's bank account, as mentioned hereinabove, within a week from today.
6. The learned counsel for the respondent-husband states, upon instructions, that the respondent husband undertakes not to breach any part of the order dated 09.03.2017 passed by the learned Family Court, as well as the order of this Court. The undertaking is accepted.
7. In view of the above, the contempt petition is not pressed by the petitioner. Accordingly, the petition is disposed-off in terms of the above.
8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 11, 2020

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