

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

FCA.No.85 OF 2020

JUDGMENT: *(Per the Hon'ble the Chief Justice Hima Kohli)*

1. On the last date of hearing, learned counsel for the appellant has stated on instructions that his client would be willing to pay a sum of Rs.5 lakhs each to the two children through the mother. To test his bonafides, we had directed the appellant to deposit a sum of Rs.1 lakh each for the two children into the account of the respondent/wife on or before 30.07.2021. We had also indicated that after the appellant pays a substantial amount towards the maintenance of the children, this court would consider passing of orders in respect of his visitation rights.

2. Today, on enquiring from learned counsel for the appellant as to the timeline within which the appellant would be in a position to pay the balance sum of Rs.4 lakhs each to the two children, he states that his client would need at least six to seven months for paying the said amount.

3. The said timeline appears to be unreasonable. It has been suggested to learned counsel for the appellant/husband that if his client would be willing to pay a sum of Rs.2 lakhs each for the children if granted a period of one month, immediately on his paying the said amount, this court will lay down a schedule of the visitation rights. Learned counsel for the appellant however, expressed the

inability of his client to pay the said amount within a period of one month. He submits that his client would need at least six to seven months to pay the entire amount.

4. We are not inclined to give any such indulgence to the appellant. The appellant shall deposit a further sum of Rs.2 lakhs towards the maintenance of each of the two children into the account of the respondent/wife through RTGS on or before 30.09.2021.

5. In view of the statement that was made by learned counsel for the appellant on 13.07.2021, on instructions received from the appellant that he is not inclined to press the appeal, the appeal is disposed of along with the pending applications. However, the aspect relating to the visitation rights of the appellant *qua* the children is kept open for this court to assist the parties to work out a schedule, if possible.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

16.08.2021
ES/PLN