

CR-2730-2021

Date of Decision : 11.11.2021

Kushal Kumar

...Petitioner

Versus

Poonam

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Virender Kumar, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the instant petition under Article 227 of the Constitution of India is for setting aside order Annexure P/4 dated 07.10.2021, passed by the learned Addl. Principal Judge, Family Court, Karnal, staying proceedings in the petition u/S 13 of the Hindu Marriage Act, 1955, filed by the petitioner, on account of non-compliance with condition precedent in order dated 23.04.2021, to clear arrears of maintenance within six months.

2. Learned counsel contends that admittedly, the petitioner has income of Rs.11,000/- per month only and out of the total maintenance payable, the petitioner has already paid a sum of Rs.20,000/- and balance only Rs.94,000/- remains to be cleared uptill 13.10.2021. Learned counsel contends that the petitioner undertakes to make payment of Rs.50,000/- towards arrears of maintenance to the respondent-wife before the learned trial court on the next date i.e. 18.11.2021 and balance payment of arrears within such time as is granted by this Court.

3. I have heard learned counsel for the petitioner and have gone

through the record and am of the view that ends of justice would be met by ensuring compliance of the order passed by the learned Addl. Principal Judge, Family Court, Karnal, and without putting the respondent to financial burden to defend proceedings before this Court by modifying the impugned order dated 07.10.2021, and directing the petitioner to pay a sum of Rs.50,000/- on account of arrears of maintenance to the respondent-wife before the learned trial Court by way of demand draft on 18.11.2021, Rs.44,000/- within two months thereafter i.e. Rs.22,000/- by way of demand draft to the respondent-wife on or before 17.12.2021 and balance Rs.22,000/- by way of demand draft to the respondent-wife on or before 17.01.2022. In addition thereto, the petitioner shall also make timely payment of monthly maintenance as awarded to the respondent-wife in terms of order dated 23.04.2021. Impugned order dated 07.10.2021, is accordingly modified in the light of directions issued above while making it clear that in case of failure of the petitioner to adhere to any of the directions as referred to above, the impugned order dated 07.10.2021, would automatically come in force.

4. Petition disposed of in the aforementioned terms.

(B.S. Walia)
Judge

11.11.2021

rajesh

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>