

Kapil Kumar

... Petitioner

v/s

Sujata Teotia

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Gaurav Arora, Advocate
for the petitioner.*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

* * *

VIVEK PURI, J. (ORAL)

The petitioner is aggrieved by the order dated 01.12.2021 passed by the learned Principal Judge, Panchkula vide which the directions have been issued to the employer of the petitioner to deduct an amount of Rs.20,000/- p.m. from the salary of the petitioner and deposit the same in the bank account of the respondent.

On 10.01.2022 following order was passed:

“Learned counsel for the petitioner states that a sum of Rs.1,47,000/- is outstanding amount till date. He further states that the petitioner will pay a sum of Rs.50,000/- within a period of seven days and balance amount shall be paid in four monthly installments.

Adjourned to 25.01.2022.

An amount of Rs.50,000/- be paid within a period of one week as asserted by learned counsel for the petitioner.”

Learned counsel for the petitioner contends that a sum of

Rs. 50,000/- has already been transferred by way of IMPS in favour of the respondent on 13.01.2022 and furthermore, an additional sum of Rs.20,000/- has been deducted from the salary of the petitioner due payable in the month of December 2021 and as such, the balance outstanding amount as on today comes to Rs.77,000/- and the petitioner is ready and willing to pay the balance amount in four monthly installments along with the balance amount of maintenance which may accrue during that period.

The version of the petitioner is to the effect that a sum of Rs.2,75,000/- has already been paid till November, 2021. However, the impugned order reflects that a sum of Rs. 1,75,000/- has been paid and the outstanding amount is to the tune of Rs. 2,57,000/-.

Learned counsel for the petitioner contends that the petitioner will pay the balance amount of Rs. 77,000/- along with the amount of maintenance which may accrue during that period in four equated monthly installments commencing from February, 2022 and he may be given liberty to move an appropriate application before the learned Principal Judge, Family Court with regard to the payment of Rs. 2,75,000/- already made by him which is liable to be adjusted instead of Rs. 1,75,000/-.

In view of the submissions, the petition is disposed of with a direction that the petitioner shall pay the amount of Rs. 77,000/- along with the amount of maintenance which may accrue subsequently in four equated monthly installments commencing from February, 2022. He shall also be at liberty to move a fresh application before the learned Principal Judge, Family Court with regard to the adjustment of Rs. 2,75,000/-, the amount

already paid, as alleged by him. In the event, arrears of more than Rs. 77,000/- are worked out by the learned Principle Judge, Family Court, the petitioner shall also be liable to pay the same along with the aforesaid amount. In the event, the petitioner pays the amount of installments, as aforesaid, the directions issued by the learned Principle Judge, Family Court to the employer of the petitioner for deduction of Rs. 20,000/- p.m. from his salary shall remain in abeyance. In the event of default, the same can be again invoked for the purpose of realization of the outstanding amount.

With the aforesaid observation, the petition is disposed of.

28.01.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No