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

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Judgment delivered on: 19.04.2023

+ MAT.APP.(F.C.) 94/2023

SOURABH JINDAL

..... Appellant

versus

BINDIYA JINDAL

.....Respondent

Advocates who appeared in this case:

For the Appellant: Mr Vineet Aggarwal, Advocate along with
appellant in person.

For the Respondent: Mr Tushar Rohmetra, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 18663/2023

1. Allowed, subject to all just exceptions.

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2. Appellant impugns order dated 16.03.2023 whereby the petition filed by the appellant seeking divorce under Section 13(i)(ia) of The Hindu Marriage Act, 1955 was dismissed due to non compliance of order directing payment of interim maintenance.

3. Learned counsel for the appellant submits that appellant had

suffered a setback in his business on account of the COVID pandemic and as such could not clear the entire arrears as directed by the Court. He, however, undertakes that appellant would willing to clear the arrears within the stipulated time.

4. Issue notice. Notice is accepted by the learned counsel appearing for the respondent. With the consent of parties, the matter is taken up for final disposal today.

5. Learned counsel for the appellant undertakes on behalf of the appellant, who is present in Court, that out of the total arrears of ₹9,50,000/-, a sum of ₹2,50,000/- shall be paid to the respondent through counsel by tomorrow i.e. 20.04.2023. He further undertakes that the appellant shall clear the arrears in seven equal instalments of ₹1,00,000/- each payable by the 7th of each English Calendar month commencing from 07.05.2023. This, he undertakes would be over and above the interim maintenance amount directed to be paid monthly. The undertaking is accepted. Learned counsel for the respondent also accepts the aforesaid undertaking.

6. In view of the above, the appeal is allowed. The impugned order dated 16.03.2023 is set aside. The petition filed by the appellant under Section 13(i)(ia) of The Hindu Marriage Act, 1955 is restored on the records of the Family Court. Parties shall appear before the Family Court on 24.05.2023, the date already fixed.

7. Subject to the appellant complying with the aforesaid directions, no coercive action shall be taken against the appellant.

8. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J.

VIKAS MAHAJAN, J.

APRIL 19, 2023
MK

