



2023:DHC:9225



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 19.12.2023*+ **CM(M) 1954/2023**
ANITA THAPAR

..... Petitioner

Through: Ms.Malvika Rajkotia &
Mr.Mayank Grover, Advs.

versus

SAMIR THAPAR

..... Respondent

Through: Mr.Attin S. Rastogi, Mr.Archit
Chauhan, Mr.Aman Kapoor,
Mr.Adil Vasudeva &
Mr.Ashutosh Agarwal, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner praying for the following reliefs:-

“a) exercise supervisory jurisdiction and direct the Court of Sh.Pritam Singh, Ld. Family Judge, Family Court, South Dist., Saket District Court, New Delhi to rule on the Petitioner's applications for interim maintenance and alternate accommodation expeditiously;

b) direct the Ld. Principal Family Court, South Dist., Saket District Court, New Delhi to transfer the Execution Petitions (Ex. No. 211/2022, 36/2022 and 03/2023) filed by the Petitioner from the Court of Ms. Shunali



2023:DHC:9225



Gupta, Ld. Family Judge (South Dist.), Saket District Court, New Delhi to the Court of Sh. Pritam Singh, Ld. Family Judge (South Dist.), Saket District Court, New Delhi;

c) direct the Respondent to pay the Petitioner an amount of Rs. 2,00,000/- every month to enable her to secure an alternate accommodation commensurate with the lifestyle of the Parties, while the Ld. Family Court rules on her application for alternate accommodation;

d) direct the Ld. Family Court to strike off the Respondent's defense if he fails to clear arrears of Rs. 4,01,000/- within 7 days;

e) direct the Respondent to pay the ad-interim maintenance by the 20th of every month as directed by the Ld. Family Court;"

2. It is the case of the petitioner that in terms of a settlement arrived at between the parties on 19.04.2010, the respondent, apart from providing a rented accommodation, being A-7, 2nd Floor, Westend Colony, New Delhi-110021, was to pay a monthly maintenance of Rs.2,00,000/- to the petitioner. At the insistence of the respondent, the petitioner had to shift out to another accommodation, being A-30, 2nd Floor, Westend Colony, New Delhi-110021. The respondent has now refused to pay the rent for the said accommodation as well and has been asking the petitioner to take an alternate accommodation, as the landlady of the said accommodation is no longer willing to continue with the said tenancy.

3. It is further contended that as the respondent was paying only Rs.1,00,000/- to the petitioner towards maintenance, the petitioner filed a petition under Section 27(1)(d) of the Special Marriage Act, 1954, praying for the grant of a decree of divorce. Though, the



2023:DHC:9225



respondent gave a cheque for an amount of Rs.1,25,000/- in lieu of maintenance, the same was returned dishonored.

4. It is contended that the learned Principal Judge, Family Courts, South District, Saket Courts, New Delhi vide order dated 17.05.2022, directed the respondent to pay maintenance of Rs.1,25,000/- per month to the petitioner. As the respondent failed to comply with the said direction, an Execution Petition being Ex. No. 211/2022 has been filed by the petitioner. The petitioner had thereafter filed two further Execution Proceedings.

5. The petitioner is aggrieved of the fact that the Divorce Petition and the Execution Petitions are listed before two different Courts, because of which neither of the proceedings is proceeding efficiently and effectively. The petitioner further complains that even the landlady of the present accommodation is seeking recovery of the possession of the same and has filed a Suit for recovery of possession.

6. The learned counsel for the respondents, without in any manner admitting to the contents of the present petition and without prejudice to the rights and contentions of the respondent, submits that he has no objection to the transfer of the Execution Petitions, that is, Ex.No.211/2022, 36/2022 and 03/2023 from the Court of the learned Family Judge, South District, Saket Courts, New Delhi to the Court of the learned Family Judge, South District, Saket Courts, New Delhi before whom the Divorce Petition, that is, SMA 26/2021, is listed. He further submits that the respondent shall pay to the petitioner a sum of Rs.1,25,000/- on or before 31.12.2023.

7. In view of the above, the present petition is disposed of



2023:DHC:9225



directing:

- (a) the transfer of the above-mentioned Execution Petitions to be listed before the Court before whom the Divorce Petition, that is, SMA 26/2021, titled *Anita Thapar vs. Samir Thapar*, is listed;
- (b) that on transfer, the Execution Petitions shall be listed before the learned Transferee Court on 12.01.2024;
- (c) the respondent shall pay a sum of Rs.1,25,000/- to the petitioner on or before 31.12.2023, further directions on maintenance/execution shall be passed by the learned Family Court after hearing the parties; and,
- (d) the learned Family Court is requested to expedite the consideration of, at least, the Executions Petitions, as they seek enforcement of the orders granting interim maintenance.

8. There shall be no orders as to costs.

NAVIN CHAWLA, J

DECEMBER 19, 2023/rv/AS

[Click here to check corrigendum, if any](#)