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

+ **CONT.CAS(C) 1170/2022 & CM APPL. 9716/2023**

MUDITA SRIVASTAVA

..... Petitioner

Through: None.

versus

VIJIT DUTTA

..... Respondent

Through: Mr. Shashwat Awasthi, Advocate.
(M): 9582212522

Email: shashwat@wadhwachambers.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.04.2024

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1. The present petition has been filed alleging willful disobedience of the judgment dated 15th July, 2009 passed by the learned Principal Judge, Family Courts, Dwarka Court, New Delhi in *HMA No. 147/2009*.
2. By way of the said judgment, joint petition under Section 13 B of the Hindu Marriage Act, 1955 had been disposed of and the undertaking of the respondent was recorded, wherein the respondent undertook to pay 30% of his salary towards maintenance of their son, till he attains the age of 18 years. It was further undertaken that in case of unemployment or reduction of salary, the respondent would pay ₹15,000/- per month to be increased by 10% every year towards maintenance of their son.
3. Since it was alleged that the undertaking given by the respondent was not honoured, the present petition came to be filed.



4. None appears for the petitioner when the matter is taken up for hearing.
5. Perusal of the order sheets show that the last appearance on behalf of the petitioner was on 02nd May, 2023.
6. Learned counsel appearing for the respondent has handed over a copy of order dated 28th April, 2023 passed by the learned Family Court-02, South-West, Dwarka Court, New Delhi in *Ex No. 6/2018*. The said order dated 28th April, 2023 is taken on record.
7. By way of the order dated 28th April, 2023, learned Family Court has categorically held that the execution petition stands satisfied, as the respondent herein has already paid an amount of ₹10,64,000/- after filing of the execution petition. The relevant portion of the order dated 28th April, 2023 passed by the learned Family Court is extracted as below:-

“xxx xxx xxx

9. Now come to the execution application filed by DH. As stated above DH has not mentioned the period for which the amount in present execution application on account of maintenance of child is claimed. This execution application is for Rs. 666,303/- alongwith future interest @10% pa. There is no agreement regarding payment of future interest between the parties. Hence, prayer of grant of future interest @ 10% pa is declined. As far as amount of Rs. 666,303/- is concerned, I find that after filing of present execution application JD has paid Rs. 10,64,000/-. As such present execution application stands satisfied.

xxx xxx xxx”

8. Perusal of the aforesaid shows that the execution petition filed by the petitioner herein has already been disposed of, as satisfied.
9. Accordingly, this Court is of the view that no further orders are required to be passed in the present petition.
10. The present petition is accordingly disposed of, as having been



satisfied, along with the pending application.

MINI PUSHKARNA, J

APRIL 9, 2024

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