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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 809/2022 and CM APPL. 60739/2024 (For
modification of order dated 08.10.2024)

SHEETAL JOSHAN ROYPetitioner
Through: Ms. Debopriyo Moulik and Ms.
Shweta Singh, Advs.

versus

SOUMYAJIT ROYRespondent
Through: Mr. Sanjeev Kumar Dubey, Sr.
Adv. with Mr. Rajesh Bhatia,
Mr. Hemant Kakkar, Mr. Shah
Rukh Khan, Advs.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
05.03.2025

1. This hearing is being conducted through hybrid mode.
2. The present application comes for final hearing.
3. Having heard the learned counsels for the parties present, the present contempt petition was filed by the Petitioner-wife seeking initiation of the contempt proceedings against the Respondent-husband for the wilful defiance of the directions contained in the order dated 05.10.2021 passed by this Court in MAT APP. (F.C.) 3/2020 and the order dated 26.04.2022 also passed by this Court in Contempt Case No. 1002/2021.
4. It is borne out from the record that, initially an order dated 14.08.2019 was passed by the learned Judge Family, whereby the Petitioner-wife was granted maintenance agreed to Rs. 30,000/- per



month, besides the two children who were granted Rs. 15,000/- each as interim maintenance, totalling to Rs. 60,000/- per month. The said order was assailed in MAT APP. (F.C.) 3/2020, which was disposed of by this Court *vide* order dated 05.10.2021.

5. In short, the amount of interim maintenance of Rs. 60,000/- was not tinkered with and further *vide* paragraph Nos. (11) to (13) of the order dated 05.10.2021, it was provided that the current school fee charges of the children as interim maintenance shall also be borne and paid by the Respondent-husband.

6. It is also borne out from the record that the learned Family Judge, Central District, Tis Hazari Courts, Delhi, finally passed an order dated 13.02.2024, whereby maintenance was denied to the Petitioner-wife. However, Rs. 25,000/- per month to each child has been awarded including the educational expenses.

7. During the course of the arguments, it is stated by the learned Counsel for the Petitioner-wife that a sum of Rs. 11,67,445/- only has been paid by the Respondent-husband/father towards school educational expenses, but a sum of Rs. 13,27,444/- still remains to be paid by the Respondent-husband.

8. *Per-contra*, learned counsel for the Respondent-husband has alluded to paragraphs (12) and (13) of his reply on the record dated 19.11.2024, whereby it is shown that the total maintenance of Rs. 78,38,375/- has been paid and it is submitted that the Respondent-husband/father has paid an excess amount of Rs. 11,71,708/- towards reimbursement of the education expenses of the two children.

9. At this stage, learned counsel for the Petitioner-wife vociferously submits that no maintenance towards the education expenses of the children have been paid for the year 2022, despite an



order dated 26.04.2022 passed by this Court.

10. In view of the stands taken by the learned counsels for the parties, the Court is not going to carry out any mathematical calculation in the instant contempt proceedings, and arrive at an amount which is payable or to be adjusted, if any. It is acknowledged by the learned counsels for the parties that they have made several attempts to reconcile their statements and determine whether any amount is due or in excess, but each time, these attempts have failed.

11. In the said view of the matter, it is difficult to discern that the Respondent-husband is in wilful and deliberate defiance to the directions of this Court.

12. The present petition is disposed of with liberty to the Petitioner-wife to approach the concerned learned Family Court, and seek execution of the amount which is still claimed to be payable by the Respondent-husband in accordance with the law.

13. The present petition is accordingly disposed of without prejudice.

DHARMESH SHARMA, J.

MARCH 05, 2025

Sp/ss