HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 20426/2024

Deepak Tiwari S/o Satyanarayan Tiwari, Aged About 31 Years, A-15, Matra-Kripa, Ganeshav Nagar, Madanganj, Kishangarh, District Ajmer.

----Petitioner

Versus

1. Shilpa W/o Deepak Tiwari D/o Satyanarayan Dumaniya, Aged About 31 Years, Chawandiya, Currently Residing At Jhanwaro Ka Mohalla, Riya Badi, District Nagaur
2. Mukul Tiwari S/o Deepak Tiwari, Aged About 6 Years, Through His Natural Guardian Mother Shilpa W/o Deepak Tiwari Aged About 31 Years Resident Of Chawandiya, Currently Residing At Jhanwaro Ka Mohalla, Riya Badi, District Nagaur

----Respondents

For Petitioner(s) : Mr. Sachin Saraswat

HON'BLE DR. JUSTICE NUPUR BHATI

Order

02/01/2025

Learned counsel for the petitioner submits that the respondent No.1 has admitted that she is earning Rs.8,000/- per month while working as a contractual employee with a school. He also submits that the petitioner had preferred a D.B. Civil Misc. Appeal No.3308/2024 against the order dated 24.10.2024 passed by the learned Family Court, Merta in Case No.170/2023 and the Hon’ble Division Bench vide order dated 18.12.2024 had granted interim order to the petitioner while directing him to pay maintenance of Rs.10,000/- per month to the respondents. He further submits that the petitioner is out of employment and thus

he is unable to pay the amount of Rs.15,000/- as directed by the learned Family Court, Merta.

Issue notice of the writ petition as well as of stay application to the respondents, returnable within four weeks.

Notices when issued, be given 'Dasti' to learned counsel for the petitioner for effecting service.

In the meanwhile, the petitioner is directed to pay a sum of Rs.10,000/- per month to the respondents and till next date, no coercive action shall be taken against the petitioner.

It is made clear that if the petitioner fails to pay a sum of Rs.10,000/- per month to the respondents, then the Executive Court shall be free to take appropriate action.

It is also made clear that this order has been passed on the undertaking given by learned counsel for the petitioner to pay a sum of Rs.10,000/- per month to the respondents and in case such undertaking is not fulfilled by the next date of hearing, the present writ petition shall be liable to be dismissed.

(DR. NUPUR BHATI),J

30-ajayS/-