

**R vs.d**

**R vs.d**

**SooperKanoon Citation :** [sooperkanoon.com/1220651](http://sooperkanoon.com/1220651)

**Court :** Delhi

**Decided On :** Jan-15-2019

**Appellant :** R

**Respondent :** D

**Judgement :**

§~1 \* IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Judgement:

15. h January, 2019 + MAT.APP.(F.C.) 322/2018 R D ..... Appellant Through Mr. Mohit Monga, Advocate for the in appellant along with appellant person. versus ..... Respondent Through Mr. Abhishek Agarwal, Advocate for the respondent along with respondent in person. CORAM: HON'BLE MR. JUSTICE G.S. SISTANI HON'BLE MS. JUSTICE JYOTI SINGH G.S. SISTANI, J.

(ORAL) 1. The challenge in this appeal is to the order dated 31.08.2018 passed by the Family Court, by which the Family Court has granted three months time to the respondent/husband to clear the arrears of maintenance amounting to Rs.5,60,000/- as on September, 2018. The Family Court in its order has also noticed that an earlier cheque for an amount of Rs.50,000/- was returned unpaid. The complaint of the appellant/wife is that the appellant is finding it difficult to bring up two small MAT.APP.(F.C.) 322/2018 Page 1 of 3 children with the amount of maintenance fixed and which is also not being paid regularly. The appellant submits that in these circumstances, the Family court should not have granted three months time to the respondent to clear the arrears.

2. The respondent/husband has opposed this appeal on the ground that part payment has been made to the appellant and the respondent, being a farmer, has not been able to pay the balance amount. To this learned counsel for the appellant submits that the respondent is a person of means and is not paying the amount of maintenance only to harass the appellant. The learned counsel for the appellant further submits that in an execution filed, the executing court has fixed the matter for 25.04.2019.

3. We have repeatedly been asking the respondent and the counsel to make a statement as to by when the arrears would be cleared, but we have failed to get a clear answer.

4. At this stage, the respondent submits that he is ready to pay the arrears of amount and has handed over today in Court to the appellant a cheque bearing no.007968 dated 16.01.2019 for a sum of Rs.50,000/- drawn on Bank of India, Khanpur Branch, Delhi-110036. The respondent submits that the balance amount would be paid within 30 days. The statement made by the respondent in Court will be taken as an undertaking given to the Court and in case the amount is not paid to the appellant, the respondent will be liable for the consequences.

5. We also grant liberty, as prayed, to the counsel for the appellant to make an application before the executing Court for early hearing and MAT.APP.(F.C.) 322/2018 Page 2 of 3 we see no reason as to why the executing court would not grant an early hearing in the matter.

6. With these directions, the appeal is disposed of. G.S.SISTANI, J.

**JYOTI SINGH, J.**

JANUARY15 2019 pst MAT.APP.(F.C.) 322/2018 Page 3 of 3

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**