

DEEPAK JAIN

A

v

CHARU JAIN

MARCH 14, 2007

[DR. AR. LAKSHMANAN AND ALTAMAS KABIR, JJ.]

B

Hindu Marriage Act, 1956:

s.24 — Interim maintenance—Held, order of trial court granting Rs.12,000/- per month as interim maintenance and Rs.11,000/- as litigation expenses as affirmed by High Court suffers from no infirmity.

C

The instant appeal was filed against the order of the High Court affirming the order of the Additional District Judge in an application under Section 24 of the Hindu Marriage Act, 1956, granting interim maintenance at the rate of Rs.12,000/- per month together with litigation expenses of Rs.11,000/-.

D

Dismissing the appeal, the Court

HELD: The order under challenge suffers from no infirmity. The interim order passed by this Court on 17.2.2006 directing the appellant to pay a sum of Rs.8000/- per month to the respondent is vacated. The appellant would pay the entire balance amount to the respondent. [1040-F]

E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1404 of 2007.

From the Judgment and Order dated 10.1.2006 of the High Court of Delhi at New Delhi in CM (M) No. 1720/2004.

F

WITH

Contempt Petition No. (C) No. 221 of 2006.

G

Prabhakaran and S. Rajappa for the Appellant.

M.N. Krishnamani and Rajinder Mathur for the Respondent.

H

A The Judgment of the Court was delivered by

DR. AR. LAKSHMANAN, J. 1. Leave granted.

B 2. Heard Mr.Prabhakaran assisted by Mr.S.Rajappa, learned counsel for the appellant and Mr.M.N.Krishnamani, learned senior counsel for the respondent.

C 3. The above appeal is directed against the order dt.10.01.2006 passed by the High Court of Delhi in CM(M) No.1720 of 2004. The said Civil Miscellaneous Appeal was filed before the Delhi High Court against the order of Addl.District Judge, Delhi in H.M.A.Case No. 149 of 2003 whereby the said court had disposed of the application filed under Section 24 of the Hindu Marriage Act and fixed an interim maintenance at the rate of 12,000/- per month from the date of filing of the application together with litigation expenses of Rs.11,000/-. Aggrieved against the said order, CM(M) No.1720/2004 has been filed before the Delhi High Court. The High Court on considering all the averments made in the pleadings and also taking into consideration all the other annexures etc. came to the conclusion that the trial court has rightly arrived at a conclusion that Rs.12,000/- should be paid by way of interim maintenance.

E 4. We have also carefully perused the impugned order and annexures and heard the arguments advanced by the learned counsel for both sides. In our opinion, the order under challenge suffers from no infirmity. We, therefore, have no hesitation in dismissing the appeal filed by the appellant-husband. The appeal is accordingly dismissed.

F 5. During the pendency of this appeal, this Court as an interim measure on 17.02.2006, directed the appellant herein to pay a sum of Rs.8,000/- per month to the respondent from the date of the filing of the application and continue to pay till the disposal of this appeal. In view of the fact that the appeal is being dismissed, the said interim order is vacated and the appellant will now be liable to pay the entire amount pursuant to the order of ADJ, Delhi.

G 6. It is stated that the said interim order passed by this Court has also not been complied with. We direct the appellant to pay the entire balance amount to the respondent, if any, within two weeks from today.

H 7. In view of the Order now passed, the Contempt Petition is also

dismissed.

A

8. We direct the trial court to dispose of H.M.A. Case No. 149 of 2003 within three months from today.

No costs.

R.P.

Civil Appeal & Cont. Petition dismissed.

B