

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Misc. Appeal No. 125/2020

Sumeet Lodha S/o Sh. Dilip Kumar Lodha, Aged About 40 Years,
B/c Oswal , R/o 11/611 Chopasani Housing Board, Jodhpur.

----Appellant

Versus

Sweta Lodha W/o Sumeet Lodha D/o Prakash Mal Sankhla, B/c
Oswal R/o A-127, Shastri Nagar, Jodhpur.

----Respondent

For Appellant(s) : Mr. M.K. Trivedi
For Respondent(s) : --

**HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

Order

17/01/2020

By way of this Misc. Appeal, the appellant Sumeet Lodha has approached this court for assailing the order dated 22.11.2019 passed by the Judge, Family Court No.2, Jodhpur in Civil Original Case No.51/2016 (142/2014) whereby, the application filed by the respondent Sweta Lodha on behalf of Master Dhruv Lodha, the minor son of the appellant and the respondent under Sections 24 and 26 of the Hindu Marriage Act was partly accepted and it was directed that the appellant shall make payment of interim maintenance to his son from the date of filing of the application (01.12.2014 till the child attains majority or till the date of disposal of the divorce petition, whichever is earlier).

Learned counsel Shri Trivedi vehemently and fervently urged that the impugned order is absolutely illegal and unjust because the respondent herself is a well educated woman serving in a

Nationalised Bank and earns handsomely and thus, she is liable to maintain the son by her own means. His further contention was that the delay in disposal of the application for interim maintenance was purely on account of the conduct of the respondent and thus, the application should not have been allowed from the date of filing thereof. However, when pertinent question was put to the appellant's counsel, as to whether the appellant ever made any effort to make payment of maintenance to his own son during this prolonged period when the application was pending or whether any steps have been taken to seek his guardianship, Shri Trivedi had no option but to admit that no amount was ever deposited by the appellant in the account of respondent No.1-wife or the minor son towards the child's maintenance. He further admitted that no application seeking custody of the child has till date been filed by the appellant.

Faced with this factual scenario, Shri Trivedi gave up the challenge to the impugned order and prayed that the appellant may be permitted to deposit the arrears of maintenance in easy installments. The prayer so made is justified. Thus, it is hereby directed that the appellant shall deposit the arrears of maintenance accruing under the impugned order dated 22.11.2019 in six quarterly installments i.e. to say that the first installment shall be paid by the appellant by 30.01.2020 (1/6th of the accrued arrears) and the remaining five installments shall be paid on the last day of every quarter thereafter till the arrears are cleared off. The appellant shall continue to make payment of the regular monthly maintenance of Rs.8,000/- per month to Master Dhruv by depositing the same in the bank account, the details whereof shall be provided by the respondent in the Family Court,

by 10th day of each month. The appellant shall furnish an undertaking to the above effect that he shall comply with the directions given by this Court as above, failing which, the relief granted to the appellant of depositing the arrears in easy installments shall stand recalled and the Family Court shall be at liberty to enforce the order of maintenance as it stands.

With these observations and directions, the Misc. Appeal is disposed off.

(PUSHPENDRA SINGH BHATI),J

(SANDEEP MEHTA),J

30-Mamta/-



सत्यमेव जयते