

Santosh Kumari @ Shanti Devi vs Mahesh Chand on 17 January, 2020

Bench: R. Banumathi, A.S. Bopanna

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3490 OF 2010

SANTOSH KUMARI @ SHANTI DEVI

... APPEL

VERSUS

MAHESH CHAND

... RES

O R D E R

1. The appellant is before this Court assailing the judgment and order dated 03.03.2008 in FA No. 167 of 2006 passed by the High Court of Judicature at Allahabad. The said judgment was passed in an appeal which was filed under Section 19 of the Family Court Act assailing the judgment and decree dated 27.02.2006 passed by the Family Court, Agra in Matrimonial Case No. 746 of 2002. The fact that the marriage between the appellant and the respondent was solemnized on 25.05.1990 and certain matrimonial disputes had arisen amongst them is not in dispute. The Family Court while taking note of the rival contentions had arrived at a conclusion that the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act is liable to be allowed. Against the said judgment, the appellant herein was before the High Court. The High Court having taken into consideration all aspects of the matter was of the opinion that the judgment of the Family Court dissolving marriage between the parties does not call for interference. However, the Family Court was of the opinion that the amount of Rs. 75,000/-

13:54:10 IST Reason: (Rupees seventy five thousand) is to be paid towards alimony. The appellant-wife is therefore this Court in this appeal.

2. We have heard learned counsel appearing on behalf of the parties and perused the relevant material.

3. At this stage it is also necessary to record that on the previous dates when the instant appeal had been listed before this Court, certain efforts were made to bring about a conciliation amongst the parties. However, it is noted that due to lapse in time, the position of the parties has altered and in that circumstance it would not be appropriate to upset the concurrent judgment passed by the Courts below where dissolution has been granted. The only question which requires consideration herein is with regard to quantum of alimony which had been determined by the High Court. While

taking note of that aspect, we also keep in view the fact that the parties have two daughters. One daughter is already married and another one is residing with the appellant for which the appellant would obviously incur some expenses for her maintenance. Therefore, in that circumstance, we find it appropriate that the alimony is required to be increased to Rs.7,00,000/- (Rupees seven lakhs). Out of the said amount, a sum of Rs. 2,00,000/- (Rupees two lakhs) shall be paid by the respondent to the appellant on or before 31st March, 2020. Further sum of Rs. 2,50,000/- (Rupees two lakhs fifty thousand)) shall be paid by the respondent to the appellant on or before 30 th September, 2020. The balance amount of Rs.2,50,000/- (Rupees two lakhs) shall be paid by the respondent to the appellant on or before 31 st March, 2021. Since it is submitted that a sum of Rs. 50,000/- (Rupees fifty thousand) is stated to be in the deposit court below. The appellant would be entitled to withdraw the same along with accrued interest, if any.

4. Learned counsel for the appellant shall furnish the bank account of the appellant to the learned counsel for the respondent so as to enable the respondent to transfer the amount payable through RTGS.

5. The appeal is, accordingly, disposed of in above terms.

..... J.
[R. BANUMATHI]

NEW DELHI
17TH JANUARY, 2020

..... J.
[A.S. BOPANNA]

ITEM NO.28

COURT NO.5

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3490/2010

SANTOSH KUMARI @ SHANTI DEVI

Appellant(s)

VERSUS

MAHESH CHAND

Respondent(s)

Date : 17-01-2020 This appeal was called on for hearing today. CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI HON'BLE MR. JUSTICE A.S. BOPANNA
For Appellant(s) Mr. Anurag Dubey,Adv.

Ms. Anu Sawhney,Adv.

Mr. Pramod Kumar,Adv.

Mr. Bhupendra Kr. Bhardwaj,Adv. Mr. S. R. Setia, AOR For Respondent(s) Mr. B.P. Singh Dhakray,Adv.

Mr. Shakti Singh Dhakray,Adv. Mr. Kumar Dushyant Singh, AOR UPON hearing the counsel the Court made the following O R D E R The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(BEENA JOLLY)
BRANCH OFFICER