

**SUPREME COURT OF INDIA**

Vinay Kumar

Vs.

Savita

C.A.No.3504 of 2008

(B.N. Agrawal and G.S. Singhvi JJ.)

12.052008

**ORDER**

1. Leave granted.
2. Heard learned counsel for the parties.
3. The Trial Court directed the appellant to make payment of maintenance to the respondent at the rate of Rupees Twelve thousand per month with effect from the date of filing of the application in the year 1998. The said order has been confirmed by the High Court. Hence, this appeal by special leave.
4. Having heard the parties and taking into consideration all the pros and cons of the matter, we are of the view that the Trial Court was not justified in making the order effective from the date of filing of the application. In the facts and circumstances of the case, we modify the impugned order to this extent that the order passed by the Trial Court shall be effective from 1st January, 2002 and the appellant is directed to make payment of maintenance at the rate of Rupees twelve thousand per month with effect from 1st January, 2002, till the month of April, 2008, within a period of six months from today after adjusting the amount already deposited pursuant to the impugned order passed by the Trial Court. The future amount of maintenance shall be paid from the month of May, 2008, at the same rate by the 15th day of the following month, i.e., amount of maintenance for the month of May, 2008, shall be paid by 15th June, 2008 and likewise for subsequent months.
5. The civil appeal is, accordingly disposed of.