

SUPREME COURT OF INDIA

Harish Barthwal

Vs.

Asha Barthwal

C.A.No.3591 of 2008

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

15.05.2008

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. In spite of service of notice, nobody has entered appearance to contest the prayer made in this appeal.
4. It appears that in First Appeal No.43 of 2002 on 24th July, 2006, a mutual consent divorce decree was passed whereunder the husband was directed to pay a sum of Rupees five lakhs to the wife by way of permanent alimony in three equal quarterly instalments of Rs.1,66,666.50. The appellant is said to have made payment of first instalment and filed a petition for extension of time for making payment of other two instalments, which prayer has been rejected by the impugned order.
5. Hence, this appeal by special leave.
6. During the pendency of this appeal, by virtue of order of this Court, the appellant has further deposited a sum of Rupees one lakh sixty thousand before the Registrar of the High Court. It has been stated that in all the appellant has made payment of Rupees three lakhs eighty nine thousand out of Rupees five lakhs. The counsel for the appellant, who is having a bank draft for the balance amount of Rupees one lakh eleven thousand is permitted to deposit the same with the Registrar of the High Court within a period of two weeks from today. The respondent shall be permitted to withdraw the amounts deposited by the appellant before the Registrar of the High Court.
7. In view of these facts, time granted by the High Court by consent decree dated 24th July, 2006, is, accordingly, extended.
8. The civil appeal is, accordingly, disposed of.