

**SUPREME COURT OF INDIA**

Sanjay Narain

Vs.

Mrs. Monika

C.A.No.5647 arising out of SLP (C) No. 19610 of 2007

(Tarun Chatterjee and Aftab Alam JJ.)

15.09.2008

**ORDER**

1. Leave granted.

2. This appeal is directed against the order dated 21st of August, 2007 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Revision No. 4690 of 2005 by which, the High Court had dismissed the said revision case on account of failure of the appellant/husband to pay the wife/respondent a sum of Rs. 2,00,000/- (Rupees Two Lakhs) as directed by the Court earlier. In our view, the High Court was not justified in rejecting the said revision case without going into the merits of the case and only on the ground that since the payment of maintenance of Rs.2,00,000/- (Rupees Two Lakhs) as directed earlier was not deposited, the Civil Revision case must be dismissed.

3. It was brought to our notice that the appellant/husband was liable to pay maintenance from 26th of March, 2003 till the month of September, 2008, which comes to Rs.4,62,000/-, out of which, a sum of Rs. 1,86,000/- has already been paid by the husband to the wife. This figure of Rs. 4,62,000/- for the aforesaid period has been calculated at the rate of Rs. 7000/- per month payable by the husband to the wife. On 8th of September, 2008, when the matter was called on for hearing, a Bank Draft of Rs. 2,00,000/- (Rupees Two Lakhs) was handed over by the learned counsel appearing for the appellant/husband to the respondent/wife, which has been accepted by the respondent/wife, who was personally present in Court.

4. Therefore, a total sum of Rs. 3,86,000/- has already been paid and further sum of Rs. 76,000/- is still to be paid by the husband to the wife. As noted herein earlier, the High Court was not justified in rejecting the revision case only on the ground of non-payment of maintenance, as directed by it earlier at the rate of Rs. 10,000/- per month, we set aside the impugned order and request the High Court to decide the Civil Revision case on merits and in accordance with law if, within a period of six weeks from today, the husband pays the balance amount of Rs. 76,000/- and also go on paying the wife at the rate of Rs.7,000/- per month till the final order is passed by the High Court in the Civil Revision case.

5. The High Court is, therefore, requested to dispose of the said revision case afresh at an early date preferably within six months from the date of depositing the balance amount in the manner indicated above.

6. Accordingly, we allow the appeal and the impugned order passed by the High Court is set aside on the conditions indicated above. There will be no order as to costs.