

SUPREME COURT OF INDIA

Anupam Gupta

Vs.

Sumeet Gupta

C.A.No.6713 of 2008

(Tarun Chatterjee and V.S.Sirpurkar JJ.)

19.11.2008

ORDER

1. Leave granted.

2. This appeal is directed against an order dated 27th of August, 2007 passed by the High Court of Delhi at New Delhi in C.M.No.11168 of 2007 arising out of CM (Main) No.1718 of 2004 whereby the High Court had disposed of C.M.No.11168 of 2007 filed by the appellant for producing additional evidence with the directions to the appellant to pay maintenance to the respondent at the rate of Rs.35,000/- per month and clear the arrears within two weeks.

3. We have heard the learned counsel for the parties and examined the impugned order. In our view, the High Court was not justified, while dealing with the application for acceptance of additional evidence to direct the husband-appellant to pay maintenance to the wife-respondent at the rate of Rs.35,000/- per month and to clear the arrears within two weeks from the date of passing of the impugned order.

4. For the reasons aforesaid, the impugned order is set aside and the application for acceptance of additional evidence is restored and the High Court is requested to dispose of the same on merits in accordance with law. In the event, the respondent seeks to file any application for payment of maintenance and also for arrears of maintenance, it would be open for her to make such application independent of the application for acceptance of additional evidence. Both the applications if filed, shall be decided in accordance with law.

5. We are informed that the main matter namely C.M. No.1718 of 2004 is pending for a long time. We request the High Court to dispose of the main matter namely C.M.(Main) No.1718 of 2004 at an early date preferably within three months from the date of communication of this order to the High Court. The impugned order is thus set aside and the appeal is allowed to the extent indicated above. There will be no order as to costs.