

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

MISCELLANEOUS APPLICATION Diary No.47575/2024

[Arising out of impugned final judgment and order dated 20-08-2024
in SLP(C) No. No. 1038/2024 passed by the Supreme Court of India]

GAYATRI PANDA

Petitioner(s)

VERSUS

DEEPAK PADHI

Respondent(s)

IA No. 235834/2024 - CLARIFICATION/DIRECTION

IA No. 93812/2025 - CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS

Date : 01-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVANFor Petitioner(s) : Mr. Kedar Nath Tripathy, AOR
Mr. Aditya Narayan Tripathy, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The Coordinate Bench of this Court passed the following order
in Special Leave Petition (Civil) No.1038 of 2024 dated 20.08.2024:

"1. Application seeking exemption from filing certified
copy of the impugned judgment is allowed.

2. On 5th February, 2024, this Court had recorded that
the limited grievance raised by the petitioner - wife in
the present case was in respect of non-payment of
alimony by the respondent - husband. Learned counsel
appearing for the petitioner - wife had stated that the
respondent - husband had been consistently defaulting in
paying the maintenance ever since the year 2007.

3. Learned counsel appearing for the respondent -
husband who had appeared on caveat had assured the Court
that the amount as offered before the High Court on 6th
July, 2023, would be paid by his client to the
petitioner - wife. As regards, arrears of the
maintenance, he had conceded that there had been

default.

4. In view of the dispute between the parties as to the extent of the arrears of maintenance payable by the respondent-husband to the petitioner-wife, both the parties were directed to appear before the Registrar of this Court to explain their respective calculations.

5. The parties did appear before the Registrar on 27th July, 2024, pursuant to which a compliance report has been submitted. We have perused the report. It is apparent from the report of the Registrar that maintenance to the extent of ₹ 9,37,667/- (Rupees Nine Lakhs Thirty Seven Thousand Six Hundred and Sixty Seven Only) is payable by the respondent-husband to the petitioner-wife. The said amount shall be deposited in the account of the petitioner-wife through RTGS within four weeks.

6. The aforesaid sum of ₹ 9,37,667/- (Rupees Nine Lakhs Thirty Seven Thousand Six Hundred and Sixty Seven Only) shall carry interest calculated at the rate of 9% per annum from the dates of default of maintenance for each month. A statement of account shall be filed by the respondent-husband furnishing the details of the calculation of interest on an affidavit with a copy to the learned counsel appearing for the petitioner-wife.

7. As the grievance of the petitioner-wife was limited to non-payment of alimony by the respondent-husband and the High Court has granted a decree of divorce in favour of the respondent-husband on the ground that the petitioner-wife had deserted him and further directed that the money already paid by the respondent-husband to the petitioner-wife would constitute a permanent alimony, no further orders are required to be passed in this petition.

8. The Special leave petition is accordingly disposed of."

2. Registry shall file a fresh compliance report more particularly to assert whether the amount of Rs.9,37,667/- (Rupees Nine Lakhs Thirty Seven Thousand Six Hundred and Sixty Seven Only) has been paid by the husband - respondent to his wife - petitioner or not.

3. We are informed that the husband - respondent has paid the amount of Rs.9,37,667/- (Rupees Nine Lakhs Thirty Seven Thousand Six Hundred and Sixty Seven Only) but he has not paid it with

interest at the rate of 9% per annum as directed by the Court in the order referred to above. We would like to know what is this amount towards interest as on date. Registry to calculate it and file a representation at the earliest.

4. We are informed that the wife - petitioner has filed a Contempt Petition No.108 of 2025, which is listed tomorrow, i.e., 02.05.2025. This Contempt Petition is to be deleted from the list of tomorrow and shall be taken up along with this present Miscellaneous Application filed by the husband - respondent.

5. Post it in next week.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(POOJA SHARMA)
COURT MASTER (NSH)

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For Respondent(s) :

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3. Learned counsel appearing for the respondent - husband who had appeared on caveat had assured the Court that the amount as offered before the High Court on 6th July, 2023, would be paid by his client to the petitioner - wife. As regards, arrears of the maintenance, he had conceded that there had been

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