

ITEM NO.59

COURT NO.13

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION Diary No.47575/2024

GAYATRI PANDA

Petitioner(s)

VERSUS

DEEPAK PADHI

Respondent(s)

(IA No. 235834/2024 - CLARIFICATION/DIRECTION & IA No. 93812/2025 -
CONDONATION OF DELAY IN REFILEING MA)

WITH

CONMT.PET.(C) No. 108/2025 in SLP(C) No. 1038/2024 (XI-A)

Date : 09-05-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Amit Pawan, AOR

Ms. Shivangi Singh Rawat, Adv.

Mr. Hassan Zubair Waris, Adv.

Ms. Astha Shrestha, Adv.

Mr. Aditya Narayan Tripathy, Adv.

Mr. Kedar Nath Tripathy, Adv.

For Respondent(s) :

Mr. Aditya Narayan Tripathy, Adv.

Mr. Kedar Nath Tripathy, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Delay in refiling the Miscellaneous Application is condoned.
2. There are two proceedings before us as on date.
3. The contempt proceedings initiated by the wife and one Miscellaneous Application filed by the husband seeking appropriate clarifications.
4. We are only concerned with the order passed by a co-ordinate Bench of 20-08-2024.

5. The order reads thus:-

"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 1 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 2 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."

6. Para 6 of the order, referred to above, makes it very clear that the husband was directed to pay a sum of Rs.9,37,667/- (Rupees Nine Lakhs Thirty Seven Thousand Six Hundred and Sixty Seven Only) with interest at the rate of 9% per annum from the date of default of maintenance for each month.

7. This Court had directed the husband to furnish a statement of account highlighting the details of the calculation of interest on an affidavit. According to the husband, the amount towards interest comes to Rs.1,70,000/-.

8. This figure is disputed by the wife. According to the wife, the amount comes to Rs.5,00,000/-.

9. It is too late in the day now to calculate the amount in accordance with the dates of default.

10. We direct the husband to make payment of one lump-sum amount of Rs.3,00,000/- to the wife and put an end to this entire litigation.

11. As a last chance, we direct the husband to transfer an amount of Rs.3,00,000/- to the savings account of the wife by RTGS within a period of one week from today.

12. With the aforesaid, the contempt petition as well as Miscellaneous Application and Interlocutory Application stand disposed of.

13. If there are any other proceedings between the parties, it shall be open for them to avail appropriate legal remedy before an appropriate forum in accordance with law.

14. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)