

CNR No:- DLET-01-006839-2024

CA No:- 198/2024

**ANUBHA SAGGAR Vs. ANOOP SAGGAR ETC.**

05.12.2024

Present:- Appellant in person along with Ld. Counsel Sh. Rajeev Dhawan.

Respondent no. 2 and respondent no. 3 in person along with Ld. Counsel Sh. Arvind Anand for all the respondents. (Fresh Vakalatnama filed on behalf of all the respondents, same is taken on record).

It is submitted by Ld. Counsel for respondents that he does not wish to file any formal reply to the present appeal and would straightaway argue on the same.

Arguments heard. Record perused.

The appellant has essentially challenged impugned order dated 29.11.2024 vide which her prayer seeking ad-interim injunction, to restrain employer of respondent no. 1/ husband i.e. Northern Railways from releasing his retirement funds, was dismissed by Ld. Trial Court.

It is argued by Ld. Counsel for appellant that Ld. Trial Court failed to appreciate that respondent no. 1 / husband ran away from matrimonial home and staying separately from appellant since year 2022. It is argued that the appellant being 54 years of age deserves to live life of dignity and has no source of earning and respondent no. 1 is ignoring her maintenance on regular basis for long time. It is further argued that Ld. Trial Court failed to appreciate that respondent no. 1 is leading an adulterous life and staying with another woman and threatened to throw out appellant several times

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from her matrimonial home. It is further argued that appellant has reasonable apprehension that respondent no.1 would run away with his retirement corpus, as such, his employer should be restrained from releasing the said corpus to ensure security for survival of appellant.

Per contra, it is argued by Ld. Counsel for respondents that the entire submissions made on behalf of appellant are false and without any basis. It is argued that the respondent no. 1 is regularly maintaining appellant and cannot run away or escape from the jurisdiction of this Court as being a Government servant he would get regular monthly pension after retirement. It is argued that the appellant is residing in her matrimonial home and respondents had never threatened her to dispossess her from the said premises. It is finally prayed that the present revision petition is misconceived, premature and without any merit.

Suffice it to say, the appellant herself claims that respondent no. 1 is residing separately from her since year 2022, as such, nothing cogent is brought on record to substantiate her apprehension that respondent no. 1 would escape the jurisdiction of this Court and would run away with his retirement corpus. No suitable justification could further be afforded on behalf of appellant as to why did she not exercise her legal remedies in preceding last 2 years. Ld. Trial Court has rightfully held that receiving retirement benefits is a fundamental right of a person to live with dignity which cannot be withheld, unless exceptional circumstances warrant so. Even otherwise, before fixing any maintenance amount and without

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any reasonable apprehension that respondent no. 1 would not comply with the said order, it would be imprudent and pre-mature to attach retirement corpus of respondent no. 1, as prayed on behalf of appellant. The present appeal is thus, dismissed being devoid of any merits.

Needless to say, any observations in this order shall not tantamount to expression of opinion on the merits of the case.

At this stage, it is pointed out by Ld. Counsel for appellant that appellant is facing great hardship to sustain herself and to make both ends meet as respondent no. 1 is not providing any monthly maintenance to her and next date fixed for hearing before Ld. Trial Court is after almost 5 months i.e. 29.04.2025.

Without commenting on merits of case and in order to balance equities, both the parties are thus, directed to remain present before Ld. Trial Court on **13.12.2024** and Ld. Trial Court is requested to fix a shorter date in the present matter and make an endeavor to decide application for interim maintenance of appellant at earliest.

Copy of this order along with Trial Court record be sent to the Ld. Trial Court for information and records.

File be consigned to record room after due compliance.

(Akash Jain)  
ASJ-04, East District  
KKD Courts, Delhi: 05.12.2024<sub>(G)</sub>