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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 175/2024**

JYOTI

.....Appellant

Through: Mr R.N. Dubey, Advocate.

versus

DEEPAK PANCHAL

.....Respondent

Through: None.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

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12.08.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 30806/2024

1. Allowed, subject to just exceptions.

MAT.APP.(F.C.) 175/2024 and CM APPL. 30807/2024 [Application filed on behalf of the appellant seeking condonation of delay of 8 days in filing the appeal] and CM APPL. 30808/2024 [Application filed on behalf of the appellant seeking condonation of delay of 20 days in re-filing the appeal]

2. This appeal is directed against the judgment and order dated 20.02.2024 passed Mr Devender Kumar, learned Judge, Family Court-01, Shahdara, Karkardooma Courts, Delhi.

3. Via the impugned judgment and order, the Family Court has dismissed the application filed by the appellant/wife under Section 24 of the Hindu Marriage Act, 1955 [in short, "HMA"].

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3.1 The appellant/wife had sought interim maintenance of Rs.75,000/- per month.

4. The Family Court, after noticing that the appellant/wife was receiving maintenance in the proceedings carried out under the Protection of Women from Domestic Violence Act, 2005 [in short “DV Act”] and those initiated under Section 125 of the Code of Criminal Procedure, 1973 [in short, “Cr.P.C.”] at the rate of Rs.10,000 per month, and Rs.8,000/- per month respectively, declined to grant regular maintenance to her.

4. To be noted, the Family Court also alluded to the fact that the appellant/wife had received Rs.11,000/- towards litigation expenses which, according to it, was sufficient, and therefore, the application did not merit grant of any relief.

5. Counsel for the appellant/wife has drawn our attention to the profit and loss account, and the balance sheet of Vishwakarma Enterprises which, apparently, is a proprietorship concern of the respondent/husband, to demonstrate that the respondent/husband is in seisin of necessary wherewithal.

6. Furthermore, attention has also been drawn to the affidavit of assets and liabilities filed by the respondent/husband to establish that he had made a false statement.

6.1 The submission of the counsel for the appellant/wife is that the Family Court has not looked at this aspect of the matter, in particular, the profit and loss account and balance sheet of Vishwakarma Enterprises, to which we have referred above.



7. Although there is a hiatus between the date when the financial statements were drawn up and the affidavit of assets and liabilities that the respondent/husband has placed on record, we would like to examine the matter further.

8. Accordingly, issue notice to the respondent/husband *via* all modes, including email.

9. List the matter on 21.10.2024.

10. Meanwhile, the Registry will summon the record of the Family Court and place the same before the Court, *albeit*, in digitized form.

11. At this stage, counsel for the appellant/wife also points out that the respondent/husband is in arrears with regard to the maintenance ordered under the DV Act and in proceedings instituted under Section 125 of the Cr.P.C.

11.1 It is the submission of the counsel for the appellant/wife that the respondent/husband is required to pay Rs.9,00,000/- towards maintenance as ordered by the concerned court.

12. The appellant/wife will file an affidavit setting out details concerning maintenance arrears.

12.1 The affidavit will be filed within ten (10) days.

13. A copy of the affidavit will accompany the case papers that will be served on the respondent/husband.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 12, 2024/tr

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[Click here to check corrigendum, if any](#)

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