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

+ **MAT.APP.(F.C.) 439/2024, CM APPL. 75595/2024-Stay**

MR BRIJESH RAJKUMAR SUIRIAppellant
Through: Mr. Prakash Chander, Adv.

versus

MRS. NAVITA BRIJESH SURIRespondent
Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **23.12.2024**

CM APPL. 75596/2024-Exp

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

MAT.APP.(F.C.) 439/2024, CM APPL. 75595/2024-Stay

3. The present appeal under Section 19(1) of the Family Courts Act, 1984 seeks to assail the order dated 12.11.2024 ('impugned order') passed by the learned Principal Judge, Family Courts, Shahdara, Karkardooma, Delhi, in HMA CASE NO. 165/21. Vide the impugned order, the learned Family Court has allowed the application preferred by the respondent under Section 24 of the Hindu Marriage Act, 1955 and has directed the appellant to pay her maintenance of Rs.5,000/- per month with effect from the date of filing of the application.
4. In support of the appeal, learned counsel for the appellant has raised



two preliminary submissions. The first being that, even though the appellant is admittedly residing in Haryana, the learned Family Court has erroneously applied the minimum wages as applicable to National Capital Territory of Delhi while computing his monthly income. Secondly, he contends that, once it was an admitted position that the respondent was herself employed with Bata Limited till June, 2024, no case was made out for granting any maintenance to her from anytime earlier till June, 2024.

5. Having considered the submissions of the learned counsel for the appellant, we find *prima facie* merit in his second plea and, therefore, while issuing notice in the appeal to the respondent returnable on the next date, we direct that, though the appellant will continue to abide by the impugned order insofar as a direction for payment of monthly maintenance @ Rs.5,000/- to the respondent till the next date, the direction to pay arrears with effect from the date of filing of the application till June, 2024 will remain stayed. Consequently, the appellant will, for the present, pay arrears of maintenance to the respondent with effect from 01.07.2024 and continue to pay the said maintenance in accordance with the directions issued in the impugned order.

6. List on 15.04.2025.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 23, 2024/bh