



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal from Order No.299 of 2026

13th August, 2026

Pallavi Dhiman

.....Petitioner

Versus

Nikhil Sharma

.....Respondent

Presence:-

Ms. Sukhwani Singh, learned counsel for the petitioner.

Mr. Pankaj Kumar Sharma learned counsel for the Caveator.

Coram : Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.

Per: Hon'ble Pankaj Purohit, J.

This appeal has been filed by the appellant under Section 19 of the Family Courts Act, 1984 (hereinafter referred to as "Act of 1984") for modifying/setting aside the order dated 30.05.2026, passed by learned Additional Principal Judge, Family Court, Haridwar in Original Suit No.179 of 2024, *Nikhil Sharma Vs. Smt. Pallavi Dhiman*, to the extent it awards a nominal sum of ₹5,000/- as litigation expenses and ₹200/- per date as travelling expenses and to allow the application Paper No.17B filed by the appellant under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as "Act of 1955") directing the respondent-husband to pay the full claimed amount of ₹55,000/- towards advocate fee/litigation expenses.

2. The facts of the case in brief are that multiple matrimonial proceedings are pending between the appellant and the respondent. The appellant alleges that the respondent has harassed, humiliated, mistreated, and tortured her physically and mentally. In a proceeding under Section 24 of Act of 1955 the Family Court vide the impugned



order granted her ₹5,000/- as one time litigation expenses and ₹200/- as per travel expenses. It is against this order the appellant has approached this Court under Section 19 of the Act of 1984.

3. The learned counsel for the appellant pleads that the impugned order is arbitrary, perverse and bad in the eyes of law as it defeats the very object of Section 24 of the Act of 1955 which is intended to enable the indigent spouse to effectively prosecute or defend matrimonial litigation.

4. She further submits that the Family Court has failed to appreciate the settled proposition of law laid down by Apex Court in the case of *Rajnish Vs. Neha* reported in (2021) 2 SCC 324, wherein it was categorically held that the financial status, standard of living and actual capacity of the spouse must be the guiding criteria while determining litigation cost and interim maintenance. She further submits that by awarding a nominal sum of ₹5,000/- as litigation expenses, the Family Court is in direct contravention of the binding guidelines issued by the Apex Court.

5. She also submits that the Family Court has erred in passing the order as it completely overlooked the statutory distinction between monthly maintenance and litigation expenses erroneously treating the maintenance granted under Section 125 of Cr.P.C. as a ground to curtail the legal expenses due under Section 24 of Act of 1955. She vehemently argues that it is a settled position of law that maintenance awarded for daily sustenance cannot be incorporated into litigation cost. She further submits that in today's economic context an amount of ₹5,000/- is wholly illusory and grossly insufficient to cover Advocate fees, legal drafting, court fees, clerkage to effectively defend a full-fledged contested divorce petition under Section 13 of Act of 1955.

**2026:UHC:7313-DB**

6. Having heard the learned counsel for the appellant and after perusal of the lower court record including the impugned order this Court is of the considered opinion that the expenses granted as one time litigation expenses are just and proper and are granted by due application of judicial mind moreover the Family court has also taken care of her day to day travelling expenses with respect to the litigation, therefore, no ground for interference is made out. The appellant has not filed any affidavit regarding her income and assets. It was admitted to the parties that appellant/wife is getting Rs.20,000/- as maintenance in 125 Cr.P.C.

7. Accordingly the appeal being devoid of merit is hereby dismissed.

(Pankaj Purohit, J.)
13.08.2026

(Manoj Kumar Tiwari, J.)
13.08.2026

SK
SHUBHAM
KAPRUWAN