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

+ **MAT.APP.(F.C.) 33/2016**

SANDEEP GARG

..... Appellant

Represented by: Mr.Sahil Munjal, Advocate.

versus

MONIKA GARG

..... Respondent

Represented by: Ms.Dipika Prasad, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

26.09.2016

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1. Heard learned counsel for the parties.
2. The appellant was the petitioner before the Family Court. Divorce was sought on the ground of cruelty. The respondent filed an application under Section 24 of Hindu Marriage Act, 1955 and was granted maintenance in sum of ₹25,000/- per month. The appellant did not pay the maintenance and the result was the learned Principal Judge, Family Court passing an order on August 27, 2015 dismissing the petition seeking divorce. Review sought was declined vide impugned order dated January 19, 2016.
3. Suffice it to state that if the petitioner was not paying the maintenance awarded to the wife under Section 24 of Hindu Marriage Act, 1955 the petition seeking dissolution of the marriage could be deferred till the order was complied with. The petition could not be dismissed in default.
4. Under the circumstances, we dispose of the appeal setting aside the

impugned order dated January 19, 2016 as also order dated August 27, 2015. The petition seeking divorce filed by the appellant is restored with a direction that the learned Principal Judge, Family Court would adjourn it sine die till the appellant files proof of complying with the order passed by the learned Principal Judge, Family Court under Section 24 of Hindu Marriage Act, 1955.

5. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

SEPTEMBER 26, 2016

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