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

+ MAT.APP.(F.C.) 29/2016 & CM Nos. 8120-22/2016

ANKUR GAUR

..... Appellant

Through: Mr. B.D. Sharma and Mr.  
A.K. Mishra, Advs.

versus

HANI TIWARI

..... Respondent

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE GITA MITTAL**

**HON'BLE MR. JUSTICE I.S.MEHTA**

**ORDER**

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**04.03.2016**

**CM No. 8120/2016**

1. Exemption allowed subject to just exceptions.

**CM No. 8122/2016**

2. For the reasons stated, delay in filing is condoned.

The application is allowed.

**MAT.APP.(F.C.) 29/2016**

3. The appellant assails the order dated 20<sup>th</sup> October, 2015 whereby on the application of the respondent-wife under Section 24 of the Hindu Marriage Act, the Family Court has noted that the respondent was facing severe hardship for her survival due to want of funds as the appellant before us has not made any provision for her maintenance. The application is pending adjudication since 3<sup>rd</sup>

February, 2014. The Family Court has noted that the husband is an Engineer earning about ₹70,000/- per month.

2. As an interim measure while the application under Section 24 was pending consideration, the Family Court has directed payment of a lump sum amount of ₹1.5 lakhs to the respondent-wife. The appellant contends that in proceedings under the Protection of Women From Domestic Violence Act, 2005 initiated by the respondent-wife, a maintenance order dated 23<sup>rd</sup> September, 2015 has been made by the court at Ghaziabad. Needless to say, as and when the Family Court finally adjudicates on the application under Section 24 of the Hindu Marriage Act, the appellant would be entitled to adjustment of the amounts which he has paid either in terms of the impugned order dated 20<sup>th</sup> October, 2015 or under the orders dated 23<sup>rd</sup> September, 2015 as well as any other order by and under which he has paid maintenance.

3. In as much as there is no adjudication and the impugned order has been passed as an ad hoc measure in the peculiar facts and circumstances of the case, no interference at this stage is warranted.

4. At this stage, learned counsel for the appellant submits that he would not press this appeal and that he may be given time to deposit the directed amount.

The appeal is, accordingly, dismissed as withdrawn.

5. The amount shall be paid to the respondent on any date of hearing in any proceedings between the parties in two equal

instalments within ten weeks from today. The first instalment of a major amount shall be paid on a hearing within four weeks from today.

**CM No. 8121/2016**

In view of the disposal of the appeal, this application does not survive for adjudication and is accordingly disposed of.

**GITA MITTAL, J**

**I.S.MEHTA, J**

**MARCH 04, 2016**

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