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

+ **MAT. APP. (F.C.) 105/2014 & CM APPL. 15075/2014**

MANJU SHARMA

..... Appellant

Through : Mr.Lal Singh Thakur and Mr. Sudhir
Tewatia, Advocates for the appellant
along with appellant.

versus

VIPIN

..... Respondent

Through : Mr.Kunal Rawat, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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20.01.2017

This matter was adjourned from time to time to enable the parties to negotiate for an out-of-Court settlement. Matter was also taken up in the Chamber on more than one occasion. Father of the appellant was also called. We may note that initially some headway was made; the appellant and the daughter had met the husband/father on a few occasions. Unfortunately, they seem to have drifted again.

Challenge in this appeal is to the order dated 16.05.2014 by which the application filed by the appellant under Section 24 of the Hindu Marriage Act was disposed of on the ground that the appellant is already getting Rs.10,000/- per month under the orders of the Mahila Court.

Learned counsel for the appellant has raised various grounds in support of his contention that the impugned order is bad in law and is liable to be set-aside. Mr.Thakur also contended that the Trial Court has lost track of the fact that it is virtually impossible for the appellant to bring up her minor daughter, who is also suffering from an eye ailment, in a meagre sum of Rs.10,000/-. He further

submits that merely because the Mahila Court has granted maintenance @ Rs.10,000/-, that by itself cannot be a ground to dismiss the application filed under Section 24 of the Hindu Marriage Act.

After some hearing in the matter, it is agreed that the impugned order be set-aside and the application filed by the appellant be heard afresh. We may note that in the impugned order of 16.05.2014, the learned Judge has disposed of the application filed by the appellant under Section 24 of the Hindu Marriage Act only on the ground that she is getting Rs.10,000/- per month under the orders of the Mahila Court and Rs.40,000/- has been deposited recently. We are of the view that this by itself cannot be a reason to dispose of the application filed by the appellant. The Court must satisfy itself and record reasons that the amount so granted by the Mahila Court is sufficient for the appellant to maintain herself and her minor daughter who is suffering from eye problem.

With these directions, the appeal stands disposed of.

C.M. No.15075/2014 also stands disposed of.

Parties to appear before the Family Court on 23.02.2017, the date already fixed. The Family Court is directed to decide the application within a period of four months.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 20, 2017

pst /

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