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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(FC)108/2017 and CMs 22009-10/2017 & 22012-13/2017
RAJPAL SINGH Appellant

Through : Mr. Nikhil Malhotra, Advocate

versus

AVLEEN KAUR @ NEETU Respondent
Through : None.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **24.07.2017**

1. The appellant is aggrieved by an interim order dated 23.8.2016 passed by the learned Additional Principal Judge, Family Court (West District), Tis Hazari Court granting *pendente lite* maintenance @ Rs.25,000/- p.m. to the respondent and the minor child in her custody apart from litigation expenses of Rs.11,000/-. The said amount has been directed to be paid by the appellant w.e.f.28.9.2011.

2. Learned counsel for the appellant states that before the date of passing the impugned order, the appellant was paying a sum of Rs.15,000/- p.m. collectively as maintenance to the respondent for herself and the minor child, which has now been enhanced to a sum of Rs.25,000/- p.m. for each of them. He submits that at the time of addressing arguments on the application for maintenance filed by the respondent under Section 24 of the Hindu Marriage Act, 1955, the appellant did not have in his possession any

document to establish that the respondent is gainfully employed and he has now been able to lay his hand on the said documents only after the impugned order came to be passed.

3. The appellant cannot be permitted to lay a challenge to the impugned order on the basis of the aforesaid documents that admittedly came in his possession much later. It is for the appellant to place the said documents before the learned Additional Principal Judge, Family Court for a fresh consideration and ask for modification of the order dated 23.8.2016.

4. At this stage, learned counsel for the appellant seeks leave to withdraw the present appeal, while reserving the right of his client to file an appropriate application before the learned Family Court for seeking modification of the order dated 23.8.2016.

5. Leave, as prayed for, is granted. The appeal is dismissed as withdrawn, along with the pending applications. It is however clarified that the liberty granted to the appellant to approach the Family Court for modification of the impugned order dated 23.8.2016 will not preclude the Executing Court for implementing the said order, as per law.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 24, 2017

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