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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 72/2017, C.M. Nos. 34309/2017 & 2351-2352/2018
PALLAVI KUMARI YADAV Appellant

Through Ms. Pallavi Kumari Yadav, appellant
in person

versus

PRADEEP KUMAR YADAV Respondent
Through Mr. Piyush Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **10.04.2018**

The solitary issue that remains for consideration in the present appeal is whether, in view of the circumstance that the respondent husband has withdrawn the petition instituted by him under the provisions of Section 13 (1)(ia) of the Hindu Marriage Act, 1955, application under Section 24 of the said Act instituted on behalf of the appellant wife during the pendency of the proceedings ought to be determined on the merits or not.

In our view, although, the respondent husband has withdrawn the petition for divorce with liberty to file afresh, his unilateral act cannot non-suit the appellant wife from her entitlement to interim maintenance *pendente lite*.

In view of the foregoing, the present appeal is disposed of with a direction to the learned Family Court to adjudicate the application

under Section 24 instituted on behalf of the appellant being HMA No.215 of 2017 expeditiously, in accordance with law.

Directed accordingly.

The parties shall appear before the concerned Court on 25.04.2018 at 2:00 pm.

A copy of this order be sent to the concerned Family Court, for necessary information and compliance.

The present appeal is disposed of accordingly.

The pending applications also stand disposed of.

A copy of this order be given *dasti* to the parties.

SIDDHARTH MRIDUL, J

VINOD GOEL, J

APRIL 10, 2018

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