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

+ CM(M) 947/2018

SACHIN BHATIA

..... Petitioner

Through: Mr. J.S. Arya, Adv.

Versus

SHWETA GUPTA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.08.2018

CM No.33211/2018 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 947/2018 & CMs No.33209/2018 (for stay) & 33210/2018 (for condonation of delay if any)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 4th April, 2018 in HMA No.233/2017 of the Court of Judge, Family Court, Shahdara District] allowing the application of the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 and directing the petitioner/husband to pay interim maintenance @ Rs.20,000/- per month.

4. Attention of the counsel for the petitioner/husband is drawn to the dicta of the Division Bench of this Court in *Manish Aggarwal Vs. Seema Aggarwal* (2012) 192 DLT 714 (DB) holding that an order on an application

under Section 24 of the Hindu Marriage Act is not an interlocutory order and is an order within the meaning of Section 19(1) of the Family Courts Act, 1984 and appeal whereagainst lies under Section 19(6) of the Family Courts Act, to the Division Bench of this Court.

5. The counsel for the petitioner is blissfully unaware.
6. Once the statutory remedy is available, the question of entertaining this petition under Article 227 of the Constitution of India does not arise.
7. The petition is dismissed as not maintainable.

RAJIV SAHAI ENDLAW, J.

AUGUST 17, 2018

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