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

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Judgment delivered on: 12.04.2023

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MAT APP. (F.C.) 19/2023

MATHEWS RAJAN

..... APPELLANT

versus

ANITA DANIEL & ANR.

..... RESPONDENT

Advocates who appeared in this case:

For the Appellant: Mr. V. Thomas, Advocate.

For the Respondent: Mr. G.B. Sewak and Mr. Devesh Sharma,
Advocates respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant, *inter-alia*, seeks a direction to the Family Court to consider the application of the appellant seeking release of the land attached vide order dated 08.07.2019 in CC No.1699/2016.

2. Learned counsel for appellant submits that pendency of the present appeal is becoming an impediment in disposal of the application filed by the appellant.

3. Learned counsel for the respondent expresses an apprehension that the appellant may sell off the property in case the property is released and then default in payment of maintenance.

4. By order dated 25.01.2023, this Court had clarified that the attachment order passed by the Family Court places an embargo on the appellant from selling the land or creating any third-party rights thereon. It however does not prevent the appellant from planting tree/crops and reaping the benefit thereof or approaching the appropriate authority for grant of subsidy, if admissible, on the plantation of rubber trees.

5. In view of the facts and circumstances of the case, we dispose of this appeal maintaining the order dated 25.01.2023, however, the said order shall be subject to any further order to be passed by the Family Court on the application filed by the appellant seeking modification/vacation of the earlier orders attaching the property of the appellant.

6. Family Court shall consider the application on an expeditious basis and on merits without being influenced by any order passed by this Court including the order dated 25.01.2023. It is further clarified that order dated 25.01.2023 of this Court shall be subject to any further order to be passed by the Family Court, if any.

7. Appeal is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 12, 2023/NA

VIKAS MAHAJAN, J