



\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 21/2022, CM APPL. 10402/2022-Stay**

NIDHI GULATI

.....Appellant

Through: Mr. Ashok Mahajan, Adv

versus

MANOJ GULATI

.....Respondent

Through: Mr. Muzammil and Ms. Neha Kapila,
Adv

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

22.10.2024

%

1. The present appeal under Section 19 of the Family Courts Act, 1984 is preferred assailing the judgment dated 22.11.2021 passed by the learned Family Court in HMA No. 1394/2018. Vide the impugned judgment, the learned Family Court has allowed the respondent's petition dissolving the marriage of the parties on the ground of cruelty on the part of the appellant.
2. Learned counsel for the appellant submits that even though the findings in the impugned judgment are incorrect, taking into account that the respondent is not keen to cohabit with the appellant, she does not wish to pursue her challenge to the impugned judgment. He however submits that the appellant is entitled to appropriate alimony by way of 50% of the sale consideration of property bearing no. EG-58, Sanjay Gandhi Transport Nagar, which is owned by the respondent, once it is sold. As per the appellant, the estimated value of the said property is about Rs.1 crore, the



appellant has however not been able to find a suitable buyer till date. He therefore prays that the appeal be disposed of by directing the respondent to pay 50% of the value of the said property as and when the same is sold.

3. Learned counsel for the respondent, on instructions from the respondent who is present in Court, submits that he has no objection to this request.

4. In the light of the aforesaid stand taken by the parties, the appeal is disposed of by directing that as and when the aforesaid property referred to in para 2 of the order hereinabove is sold, the respondent will pay 50% of the sale consideration to the appellant towards her alimony. However, before making any sale of the said property, the respondent will take a No Objection Certificate (NOC) from the appellant. Further, in case the appellant is able to procure any suitable buyer for purchase of this property in the next six months, the respondent will duly cooperate in executing the necessary same documents in favour of the buyer.

5. While disposing of the appeal we make it clear that this order will not have any bearing on the respondent's obligation to pay maintenance, as per law, for the minor child who is in the custody of the appellant.

6. The appeal, alongwith the pending application, stands disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 22, 2024/Ab