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

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Date of decision: 1st March, 2024.+ **MAT.APP.(F.C.) 71/2024**

ABHISHEK GARG

..... Appellant

Through: Ms. Shikha Kaushik, Advocate.

Versus

AVNI JAIN

..... Respondent

Through: Nemo.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (Oral)****CM APPL. 13013/2024**

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

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3. *Via* the instant appeal, the appellant/husband seeks to assail the order dated 03.11.2023 passed by the Additional Principal Judge, Family Court (West), Tiz Hazari Courts, Delhi. The Family Court, by the impugned order, has disposed of the respondent's/wife's application under Section 24 of the Hindu Marriage Act, 1955 [in short, "HMA"].
4. The Family Court has awarded interim maintenance to the respondent/wife at the rate of Rs.75,000/- per month for her sustenance and

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livelihood with effect from 11.07.2018 till final disposal of the divorce petition.

4.1 To be noted, the appellant/husband has instituted a petition for divorce under Section 13 (1)(ia) of the HMA.

5. Ms. Shikha Kaushik, learned counsel, who appears on behalf of the appellant/husband, says that the learned Additional Principal Judge did not apply his mind independently. Ms Kaushik says that the impugned order is pivoted on borrowed satisfaction drawn from the order of maintenance ordered by the same Judge in proceedings instituted under Section 125 of the Code of Criminal Procedure, 1973 [in short, "CrPC"]. Furthermore, Ms Kaushik says that the appellant/husband has assailed the order passed under Section 125 of the CrPC in a revision action.

5.1 It is, therefore, Ms. Kaushik's submission that this appeal has been filed to preserve the appellant's/husband's right to prosecute the revision action.

6. We have perused the order passed by the learned Family Court. The Family Court has recorded that the appellant/husband is earning approximately Rs.14,40,000/- per month, excluding incentives and bonus.

6.1 Concededly, this fact emerged in the appellant /husband's cross-examination recorded on 26.08.2023.

6.2 *Qua* this aspect, it is Ms. Kaushik's submission that the learned Additional Principal Judge failed to take into account the corresponding expenses that the appellant/husband has to incur at the place where he is located.

7. We are informed that the appellant/husband is based in Singapore.

8. According to us, even if we were to factor in the expenses that the



appellant/husband may incur in Singapore, even then, the maintenance awarded to the respondent/wife at the rate of Rs.75,000/- per month does not seem to be unreasonable. Furthermore, the learned Additional Principal Judge has also indicated in paragraph 7 of the impugned order that the amount paid to the respondent/wife in any other proceedings shall stand adjusted against the maintenance ordered by him *via* the impugned order.

9. We find no reason to interfere with the impugned order.
10. The appeal is, accordingly, dismissed.
11. Pending applications shall also stand closed.

**RAJIV SHAKDHER
(JUDGE)**

**AMIT BANSAL
(JUDGE)**

MARCH 1, 2024/A

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