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

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Date of Decision: 17.09.2024

+ **MAT.APP.(F.C.) 78/2024**

RITA.NIMESH

.....Appellant

Through: Mr Sachin Kashyap, Adv.

versus

ANIL.NIMESH

.....Respondent

Through: Mr Prateek Jindal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

1. This appeal is directed against the judgement and order dated 03.02.2024 passed by the family court.
2. *Via* the impugned judgement, the family court has disposed of the application preferred by the appellant under Section 24 of the Hindu Marriage Act, 1955 [in short "1955 Act"] on the ground that she was drawing salary amounting to Rs.53,000/- per month.
 - 2.1 Interestingly, while disposing of the application, the family court also noted that the respondent was voluntarily willing to pay Rs.9,000/- per month *qua* the children. In fact, the respondent had been voluntarily paying Rs.4500/- per month to both the children.
3. Notice in the appeal was issued when it came up for the first time on 07.03.2024.



3.1 The notice was made returnable on 03.05.2024.

4. On 03.05.2024, the respondent was represented by his counsel, i.e., Mr Niket Kumar Singh, Advocate.

4.1 Mr Singh, on that date, on instructions of the respondent, had informed that the respondent would raise the amount to be paid for both the children to Rs.9000/- per month i.e., Rs.4500/- for each child.

5. Since no direction was issued by the family court via the impugned judgement and order, we had issued a direction to the effect that the respondent would pay interim maintenance towards both the children, cumulatively @ Rs.9000/- per month.

5.1 This direction was triggered from the date of impugned judgement and order i.e., 03.02.2024.

6. Mr Sachin Kashyap, learned counsel, who appears on behalf of the appellant, affirms that the respondent has been paying Rs.9000/- per month as interim maintenance to the children.

7. We are also informed by Mr Kashyap that maintenance has been sought on behalf of the children and the appellant in the proceedings triggered under the provisions of the Protection of Women from Domestic Violence Act, 2005 [in short “2005 Act”].

8. We are told that the said proceedings are listed before the concerned court on 03.10.2024.

9. Given the fact that the concerned court is adjudicating the issue involving payment of interim maintenance, this appeal is closed with the following directions:

- (i) As agreed, the respondent will continue to pay a cumulative amount of Rs.9000/- per month *vis.-a-vis.* the children till such time a



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determination is made by the concerned court dealing with the proceedings under the 2005 Act.

(ii) The concerned court dealing with the proceedings under the 2005 Act will not be influenced by the observations made hereinabove. The determination *qua* quantification of the interim maintenance will be made de hors the directions contained in the impugned judgement and order.

(iii) The concerned court will endeavour to conclude the proceedings on the issue of interim maintenance at the earliest, though not later than four (04) weeks commencing from 03.10.2024.

10. The appeal is disposed of in the aforesaid terms.
11. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 17, 2024/pmc