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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 105/2023**

NITIKA BANSAL

.....Appellant

Through: Mr. Sandeep Kumar, Advocate
(through VC)

versus

SANDEEP BANSAL

.....Respondent

Through: Mr. Sandeep Bansal, Advocate with
respondent in person (through VC)

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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22.10.2024

1. The present appeal under Section 19 of the Family Courts Act, 1984 seeks to assail the impugned order dated 07.02.2023 passed by the learned Family Judge in HMA No.1961/2021. Vide the impugned order, the learned Family Court has dismissed the appellant's application under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance during the pendency of the divorce proceedings initiated by the respondent.
2. Learned counsel for the appellant submits that the only ground on which the appellant's prayer for interim maintenance has been rejected is that the appellant is enrolled as an advocate and must, therefore, be earning sufficiently well to take care of her needs. He contends that this presumption drawn by the learned Family Court is absolutely without any basis, as despite being enrolled as an advocate, the appellant is unable to generate any work and is, therefore, without any source of income. On the other hand, the



respondent is admittedly working as a Chartered Accountant (CA) and as per his own case, he is filing his income tax return with net annual income of Rs.3,50,000/-.

3. Learned counsel for the respondent while not denying that the respondent's net income is Rs.3,50,000/- per annum, submits that he has an ailing mother and a sister of marriageable age to take care of and is unable to pay any maintenance to the appellant. Further, he submits that once the respondent is a qualified advocate, she must make efforts to earn her livelihood.

4. Having considered the submissions of the learned counsel for the parties and perused the impugned order, we are of the view that merely because the appellant is a qualified advocate, cannot itself be a ground to presume that she must be earning handsomely. As has been recently requested by the Bar Council of India, many young advocates are finding it difficult to generate work. While rejecting the appellant's claim for maintenance, learned Family Court appears to have lost sight of this stark reality. In these circumstances and taking into account the admitted income of the respondent, for the present, the respondent ought to pay a sum of Rs.7,500/- per month to the appellant as interim maintenance. This amount would, however, be payable only with effect from 01.10.2024 with the maintenance for October being paid on or before 31.10.2024 and the further monthly maintenance in terms of this order being paid on or before the tenth of every month.



5. The appeal is accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 22, 2024/So