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

+ MAT.APP.(F.C.) 73/2022, CM APPL. 25116/2022-Delay 59 days
CM APPL. 58119/2023-For allowing petitioner to file cross-examination of respondent.

MS. NEELU SURI

.....Appellant

Through: Mr. Shiv Charan Garg, Mr. Imran
Khan and Ms. Jahanvi Garg, Advs

versus

MR. PRABHAT SURI

.....Respondent

Through: Respondent in person through VC

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.11.2024

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1. The present appeal under Section 19 of the Family Court Act, 1984 seeks to assail the order dated 31.01.2022 passed by the learned Family Court, North District, Rohini Courts, Delhi in H.M.A No. 559870/ 2016. Vide the impugned judgment, the learned Family Court has rejected the application preferred by the appellant/ wife seeking maintenance under Section 24 of the Hindu Marriage Act, 1955.
2. The record shows that pursuant to the last order dated 23.08.2024, the respondent is now paying monthly maintenance of Rs.25,000/- to the appellant, who is bringing up the two children single handedly.
3. Learned counsel for the appellant, by drawing our attention to the



documents pertaining to the period after passing of the impugned order as also to the cross-examination of the respondent recorded before the learned Trial Court after filing of the impugned order under challenge, submits that the impugned order is liable to be set aside as the respondent is now having sufficient means to pay adequate maintenance.

4. Learned counsel for the respondent, however, submits that the subsequent documents sought to be relied upon by the appellant cannot be a ground to test the impugned order, on which we are inclined to agree with him.

5. We, therefore, dispose of the appeal by granting the appellant liberty to move a fresh application under Section 24 of the Hindu Marriage Act, 1955 before the learned Family Court.

6. We further make it clear that while considering the fresh application, as may be filed by the appellant, the learned Family Court will not be influenced by the findings recorded in the impugned order and will decide the fresh application on the basis of material brought on record.

7. However, taking into account the peculiar facts and circumstances of the present case, the respondent will, till the decision by the learned Family Court on the fresh application to be filed by the appellant, continue to pay maintenance @ Rs.25,000/- per month.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 29, 2024/Ab