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

+ **CM(M) 2521/2024**

SARTHAK JAIN

..... Petitioner

Through: Mr. Sunil Mittal, Sr. Adv. with Ms.
Abha Sharma, Ms. Muskaan Deswal,
Mr. Divjeet Singh Vohra & Ms.
Aishwarya Anand, Advs.

versus

KHYATI JAIN

..... Respondent

Through: Mr. Anuj Jain, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

08.05.2024

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CM APPL. 27364/2024—Exp.

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

CM(M) 2521/2024, CM APPL. 27365/2024--stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 22.04.2024 passed by the learned Principal Judge, Family Court, Central District, Tis Hazari Court, Delhi (hereinafter referred to as 'Principal Judge, Family Court') in HMA No. 484/2020 titled as "*Sarthak Jain vs. Khyati Jain*" whereby the learned Principal Judge, Family Court has granted *ad interim* maintenance of Rs.50,000/- per month in favour of the respondent to be paid by 10th of each calendar month.



4. Mr. Sunil Mittal, learned senior counsel for the petitioner submits that the pleadings with respect to the application filed by the respondent under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as “HMA”) are complete. Further, both the parties have also filed their income affidavits along with the relevant documents and arguments have been addressed on the said application. However, in the meanwhile, the learned Principal Judge, Family Court has granted *ad interim* maintenance of Rs.50,000/- and has listed the matter for the hearing of the arguments on the application on 07.08.2024.

5. It is further submitted that there was no occasion for the learned Principal Judge, Family Court to grant *ad interim* maintenance in the manner passed in the impugned order especially considering the fact that arguments on the interim application are yet to be heard. Additionally, the learned counsel for the petitioner submits that he is prepared to address arguments on the interim application which is already listed for 07.08.2024 and till then, the payment of the *ad interim* maintenance @ Rs.50,000/- be waived.

6. Learned counsel for the respondent submits that the application moved on behalf of the respondent has been pending disposal for the last four years and arguments have not been addressed due to adjournments being requested on behalf of the petitioner. However, in the present petition it is stated that the learned Principal Judge, Family Court had not been hearing the arguments.

7. Learned counsel further submits that this is the first time *ad interim* maintenance has been fixed to be paid to the respondents, therefore, it may not be waived. It is also submitted on behalf of the respondent that fresh



arguments have not been addressed before the present learned Principal Judge, Family Court but as earlier submissions were made before the Predecessor Bench. Therefore, the arguments need to be readdressed before the present learned Principal Judge, Family Court.

8. In view of the above submissions, the learned Principal Judge, Family Court to hear the arguments on the application under Section 24 of the HMA Act in the month of July, on a date to be fixed by learned Principal Judge, Family Court as convenient to its board and to dispose of the application within two weeks thereafter.

9. In the meanwhile, the petitioner shall pay *ad interim* maintenance as ordered by the learned Principal Judge, Family Court and this is without prejudice to the rights and claims of the parties. It is made clear that the observations made herein above will have no bearing on the merits of the petition before the learned Principal Judge, Family Court.

10. With the above observations, the petition stands disposed of.

SHALINDER KAUR, J.

MAY 08, 2024

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