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

+ **MAT.APP.(F.C.) 161/2024 & CM APPL. 28254/2024**

ANIL KUMAR

..... Appellant

Through: Mr Yashreet Singh, Advocate.

versus

POONAM

..... Respondent

Through: Ms Preeti Singh, Mr Sunklan Porwal
and Ms Shefali Menezes, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

13.05.2024

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

CM APPL. 28252/2024

1. Allowed, subject to just exceptions.

CM APPL. 28253/2024 *[Application filed on behalf of the appellant seeking condonation of delay in filing the present appeal]*

2. This application has been filed seeking condonation of delay.

3. According to counsel for the appellant/husband, there is a delay of 251 days.

4. Ms Preeti Singh, learned counsel, who appears on behalf of the respondent/wife, says that the delay is, in fact, much larger.

5. We have perused the contents of the application. Apart from adverting to the fact that the review application had been filed, no other reasons have been furnished for the delay in filing the instant appeal.

6. To be noted, the Family Court, *via* judgment and order dated

MAT.APP.(F.C.) 161/2024

Page 1 of 3



16.05.2023, disposed of the application preferred by the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 [in short, “HMA”].

7. *Via* the impugned judgment and order, the respondent/wife was awarded interim maintenance of Rs.5,316/- per month, commencing from the date of application.

8. As per the direction issued by the Family Court, maintenance has to be paid every 10th of every month.

9. The record shows that the review petition was dismissed on 17.08.2023.

10. This appeal was filed on 21.02.2024.

11. Having regard to the aforesaid, we are not inclined to condone the delay. It is, however, made clear that this will not impact the merits of the divorce petition pending before the Family Court.

12. We are also informed by the counsel for the appellant/husband that given the admissions made by the respondent/wife in her divorce petition, the appellant/husband intends to move the Family Court *via* an appropriate application.

13. Needless to add, if such an application is moved, it will be examined on its own merits.

13.1 Dismissal of the condonation application and the appeal will not come in the way of the disposal of such an application on merits.

14. Accordingly, the present application is dismissed.

MAT.APP.(F.C.) 161/2024

15. Given the order passed in CM APPL. 28253/2024, the appeal is closed.

MAT.APP.(F.C.) 161/2024

Page 2 of 3



16. Pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 13, 2024

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Click here to check corrigendum, if any

MAT.APP.(F.C.) 161/2024

Page 3 of 3