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

+ **CM(M) 2709/2024**

GEETA SHARMA

..... Petitioner

Through: Mr. Vikas Singh, Sr. Adv. with Mr.
Varun Singh, Ms. Alankriti Dwivedi,
Ms. Somesa Gupta, Mr. Keshav
Khandelwal & Ms. Vasudha Singh,
Advs.

versus

KANCHANA RAI & ORS.

..... Respondents

Through: Mr. Trideep Pais, Sr. Adv. with Mr.
D. Abhinav Rao, Advs. for R-1.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.05.2024

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CM APPL. 33050/2024—Exp.

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

CM(M) 2709/2024 & CM APPL.33049/2024 & 33051/2024

3. The supervisory jurisdiction of this Court has been invoked under Article 227 of the Constitution of India, 1950 to impugn the order dated 24.05.2024 passed by learned Judge, Family Court-01, South-East District, Saket Courts, Delhi (hereinafter referred to as “Family Court”) in HAMA No.09/2023 titled as “*Geeta Sharma vs. Kanchan Rai*”.

2. In the petition, learned senior counsel for petitioner prays as under:



- a. Allow the present Petition and grant interim maintenance to the Petitioner to the tune of Rs. 50 lakhs during the pendency of proceedings in HAMA 09/2023 titled as “Geeta Sharma vs. Kanchana Rai & Ors.”*
 - b. Direct the Ld. Family Court, Saket District Court, New Delhi to expedite the proceedings in HAMA 09/2023 titled as “Geeta Sharma vs. Kanchana Rai & Ors” by keeping it before summer vacations.*
3. Mr. Vikas Singh, learned senior counsel for the petitioner submits that the petitioner does not have the requisite means to sustain herself, however, the interim application seeking maintenance is pending disposal before the learned Judge Family Court since past one year and due to one reason or the other, same is getting adjourned. Primarily, the reply was not filed on behalf of respondent no.1. It is also submitted that twice the four weeks’ time was granted to the respondents to file reply which they failed to comply with. Accordingly, right of the other respondents to file reply has been closed. It is also submitted that in the peculiar facts of this case and otherwise also, it is mandatory that the application to seek interim maintenance should have been decided by the learned Judge Family Court at least within three months of it being filed. It is thus submitted that in these circumstances either ad interim maintenance may be fixed or some directions be issued to the learned Judge Family Court.
4. Notice issued.
5. Mr. Trideep Pais, learned senior counsel on behalf of respondent no.1 appears on advance notice and submits that delay has not been occasioned on the part of the respondent no.1 as reply on behalf of respondent no.1



along with an application seeking condonation of delay has already been filed before the learned Judge Family Court on 23.04.2024.

6. Learned senior counsel on behalf of respondent no.1 further submits that thereafter the petitioner has served them with a copy of the income affidavit as required by the judgment passed i.e. Rajnish vs. Neha as well as some documents were also filed. It is also submitted that on the last date of hearing, matter had to be adjourned as petitioner had deliberately given the wrong address with respect to service of respondent no.6.

7. Learned senior counsel for the petitioner vehemently refutes the above said submissions and submits in rebuttal that an advance copy of the income asset affidavit could not be furnished under the directions of the learned Judge Family Court as it was kept in a sealed cover to be handed over to the respondent at the time of hearing the arguments.

8. Be that as it may, the application for interim maintenance is pending since last one year. It is also submitted that matter is listed on consideration of various applications including applications seeking interim maintenance on 27.07.2024 before the learned Judge Family Court.

9. In view of the submissions made before this Court as the interim application seeking maintenance is yet to be disposed of, the learned Judge Family Court is directed to hear the arguments on the interim application seeking maintenance on the date already fixed before it on 27.07.2024 and to dispose of the said application within four weeks.

10. Learned senior counsel for the petitioner further submits that the date given before the learned Judge Family Court i.e. 27.07.2024 is a long date of hearing. Considering that the application is pending since last one year, hence, the date 27.07.2024 fixed by the learned Judge Family Court for



hearing of the arguments on interim application be preponed.

11. In view of the above, the petitioner is at liberty to move an appropriate application before the learned Judge Family Court for preponement of the date of hearing with an advance copy to the other side within two days for consideration by the learned Judge Family Court. However, the learned senior counsel for the petitioner submits that he shall move the aforesaid application tomorrow before the learned Judge Family Court.

12. It is made clear that application for interim maintenance be disposed of within four weeks of hearing the arguments by the learned Judge Family Court.

13. With above observations, petition stands disposed of.

14. Copy of the order be given *dasti* under the signatures of the Court Master, as requested.

SHALINDER KAUR, J

MAY 29, 2024/ab