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

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Decision delivered on: 08.04.2024+ **MAT.APP.(F.C.) 283/2023 & CM APPL. 49435/2023****NIMIT GANDHI**

..... Appellant

Through: Mr Sunil Mittal, Sr Adv. with Ms Seema Seth, Mr Satish Panchal, Ms Muskaan Deshwal and Mr Aseem Chaudhary, Advs.

versus

HARSHITA G. GANDHI

..... Respondent

Through: Mr Saket Sikri, Mr Vikalp Mudgal and Mr Prakhar Khanna, Advs. along with respondent.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. This appeal is directed against the order dated 28.07.2023 rendered by the learned Judge, Family Court-01, South District, Saket Courts, New Delhi.
2. *Via* the impugned order, the Family Court has granted interim maintenance to the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 [in short, "HMA"].
3. The appellant/husband was directed to pay the respondent/wife Rs.25,000/- per month as maintenance from the date of the application, i.e., 15.10.2022, till the disposal of the divorce petition.



4. Notably, the respondent/wife had instituted an appeal to assail the impugned order. The said appeal was numbered as MAT.APP. (F.C.) No.301/2023. The coordinate Bench of this Court, *via* judgment dated 11.10.2023, dismissed the appeal and, consequently, sustained the order dated 28.07.2023 rendered by the Family Court.

5. It is not in dispute that when the said judgment was passed by the coordinate Bench on 11.10.2023, the appellant/husband was represented by Mr Sunil Mittal, learned senior counsel, along with Ms Seema Sethi, Advocate, who also appear on behalf of the appellant/husband in the instant matter.

6. It is not in dispute that on the date when the coordinate Bench passed the judgment, i.e., on 11.10.2023, the instant appeal had already been lodged and was pending consideration. The instant appeal was lodged on 20.09.2023 [See pdf page 1 of the case file].

7. As a matter of fact, the interim order dated 22.09.2023 in the instant appeal was passed by the very same coordinate Bench.

8. We are told by Mr Saket Sikri, learned counsel, who appears on behalf of the respondent/wife, that the judgment of the coordinate Bench dated 11.10.2023, passed in MAT.APP. (F.C.) No.301/2023, has been carried in appeal [Diary No.1418/2024] to the Supreme Court.

9. We are informed that the aforementioned Special Leave Petition (SLP) is listed before the Court on 22.04.2024.

10. Given the fact that the order impugned in the instant appeal has already been sustained by a coordinate Bench of this Court and the order was passed in the presence of learned counsel for the appellant/husband, we are not inclined to interfere with the impugned order.



11. In any event, according to us, the interim maintenance granted by the Family Court, at the rate of Rs.25,000/- per month, seems reasonable.
12. The appeal is, accordingly, closed. Consequently, the pending application shall stand closed.
13. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 8, 2024

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