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

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*Decision delivered on: 06.09.2024*

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**MAT.APP.(F.C.) 297/2024 & CM Nos.52080-81/2024****MS. MITHILA MURADA**

.....Appellant

Through: Mr H. S. Phoolka, Senior Advocate,  
Mr Jai Shanker, Ms Nandita Rao, Mr  
Manoj Makhija, Mr Ashish Kumar,  
Mr Amit Kumar Dubey and Mr V.P.  
Singh, Advs.

versus

**SH. AKHILESH BALI**

.....Respondent

Through: Mr Prashant Mendiratta, Ms  
Somyashree, Mr Sanchit Saini, Ms  
Neha Jain and Mr Samar Pratap  
Singh, Advs.

**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CM No.52081/2024**

1. Allowed, subject to just exceptions.

**MAT.APP.(F.C.) 297/2024 & CM No.52080/2024 [Application filed on behalf of the appellant seeking interim relief]**

2. Issue notice.
  - 2.1 Mr Prashant Mendiratta accepts notice on behalf of the respondent.
3. With the consent of learned counsel for the parties, the appeal is taken up for hearing and final disposal at this stage itself.
4. The appeal is directed against the judgments and orders dated 07.08.2024 and 31.08.2024 passed by the Family Court.



5. We may note, at the outset, that the principal grievance articulated on behalf of the appellant is that the respondent is pursuing applications with identical reliefs before the concerned courts where proceedings under the Protection of Women from Domestic Violence Act, 2005 [in short, “D.V. Act”] and the Family Court are pending.

6. We may note that Mr Mendiratta says that in order to meet this submission which, according to him, is perhaps not sustainable, he would, without prejudice, withdraw the application for visitation rights pending before the concerned court dealing with the complaint filed by the appellant under the D.V. Act and pursue the application preferred before the Family Court.

7. Furthermore, Mr Mendiratta also says that the respondent will pay Rs.30,000/- per month, as directed by the Mahila Court *via* order dated 29.04.2024.

8. Insofar as the arrears are concerned, it is Mr Mendiratta’s submission that they will be cleared within the next two (2) weeks.

9. The appeal is, thus, disposed of with the following agreed directions:

(i) The respondent will withdraw the application for visitation rights pending before the concerned court which is dealing with the appellant’s complaint under D.V. Act, *albeit*, without prejudice to the respondent’s rights and contentions.

(ii) The respondent will pay maintenance to the appellant at the rate of Rs.30,000/- per month till such time the divorce action preferred by him is pending adjudication.

(iii) The maintenance arrears will be cleared within the next two (2) weeks.



(iv) The appellant will produce the girl-child for interaction with the respondent at the Delhi High Court Mediation and Conciliation Centre [in short, "Centre"] between 11:00 A.M. and 01:00 P.M. on every alternate working Saturday, commencing from 07.09.2024.

(v) During the interaction, a child psychologist/counsellor will remain present.

(vi) The appellant will, however, remain in close proximity, *albeit* outside the interaction room. In case, the child psychologist/counsellor feels that the child needs the mother's attention, the child psychologist/counsellor will be free to take, in the spot, a decision in that behalf.

(vii) The appellant will have liberty to file an appropriate application for enhancement of maintenance. If such an application is filed, the concerned Family Court will decide the same, *albeit*, after giving due opportunity to the respondent.

10. Needless to add disposal of this appeal will not prejudice the rights and contentions of the parties.

11. The appeal is disposed of in the aforesaid terms. Consequently, the pending application shall stand closed.

12. The Registry will dispatch a copy of this order to the Centre.

13. Parties will act based on the digitally signed copy of the order.

**RAJIV SHAKDHER, J**

**AMIT BANSAL, J**

**SEPTEMBER 6, 2024**

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