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

+ MAT.APP.(F.C.) 365/2024, CM APPL. 65685/2024-Exp & CM
APPL. 65684/2024-Stay
AAKASH CHOPRAAppellant

Through: Mr. Vikas Tiwari, Mr. Kumar
Deepraj, Ms. Arushi Rathore and Mr.
Rachit Gupta, Advocates

versus

SVIKARNI SINGH CHOPRARespondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

11.11.2024

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1. The present appeal under Section 19 of the Family Courts Act 1984 read with Section 28 of the Hindu Marriage Act, 1955 seeks to assail the impugned order dated 20.09.2024 passed by the learned Family Court in Execution Petition No.26/2024. Vide the impugned order, the learned Family Court has, after accepting the respondent's stand that after the passing of the interim order dated 17.10.2023, the appellant had paid only ₹63,000/- towards maintenance to her, issued warrants of attachment against the appellant qua his movable property.

2. The primary submission of the learned counsel for the appellant is that the impugned order has been passed without taking into account the amount paid already to the respondent by the appellant on his own volition from the date of filing of the interim application, i.e. 26.09.2019, under



Section 26 of the HMA, 1955.

3. From a perusal of the impugned order, we find that this plea does not appear to have been raised before the learned Family Court. We, therefore, grant liberty.

4. When faced with this situation, learned counsel for the appellant seeks leave to withdraw the present appeal and approach the learned Family Court by way of an application to seek clarification in this regard.

5. The appeal, alongwith the pending applications, is accordingly, dismissed as not pressed with liberty as prayed for. We make it clear that if an application is moved by the appellant within ten days for clarification/modification regarding the payment already claimed to have been paid to the respondent, the same will be considered on merits by the learned Family Court

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 11, 2024/So