



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-18140-CII-2024 in/and
FAO-4847-2024**

Date of Decision: January 20, 2025

Vicky Talwar

.....Appellant

Versus

Inayat Kapoor

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Bhavesh Aggarwal, Advocate for the applicant-appellant.

LISA GILL, J.

CM-18140-CII-2024

1. For the reasons mentioned in the application as well as arguments addressed, delay of 25 days in filing the appeal is condoned.

2. Application is, accordingly, disposed of.

FAO-4847-2024

1. Prayer in this appeal is for setting aside order dated 16.05.2024 passed by learned Family Court whereby application under Section 24 of Hindu Marriage Act filed by the respondent has been decided and sum of Rs.8,000/- has been assessed as maintenance, to be paid by the present appellant.

2. Learned counsel for appellant submits that learned Family Court has not considered the facts of the present case in a proper manner, which is apparent from the fact that it is mentioned in the impugned order that appellant is legally bound to maintain his legally wedded wife and daughter whereas it is a matter of record that no child was born out of the wedlock. Furthermore, learned Family Court on one hand while observing that there is no proof regarding exact income of parties at this juncture and would be assessed only after evidence is led by parties, has proceeded to dispose of the application under Section 24 of Hindu Marriage Act. It is submitted that facts of the instant case appear to have been intertwined with some other matter. Respondent – wife, it is submitted, is herself earning a sum of Rs.70,000/- per month, as she is running a coaching Centre. All these aspects have not been dealt with by learned Family Court. It is, thus, prayed that impugned order dated 16.05.2024 be set aside.

3. We have heard learned counsel for appellant and have perused the file.

4. Perusal of para 7 of impugned order reveals that it is recorded by learned Family Court that affidavits qua moveable and immovable properties filed by both the parties have been perused. However, it is indeed observed in para 8 as under:-

“8. As far as the amount of maintenance is concerned, the respondent is legally bound to maintain the applicants i.e. his legally wedded wife and daughter.”

5. It is pointed out with reference to petition under Section 13 of Hindu Marriage Act that no child was born from this wedlock and neither is

there any such pleading in the application under Section 24 of Hindu Marriage Act filed by the respondent - wife.

6. In the given factual matrix, while not finding any ground to interfere at this stage, we do afford liberty to the appellant to file appropriate application before learned Family Court to bring to fore the factual inaccuracies, which are stated have crept in impugned order dated 16.05.2024. In case such application is filed within two weeks from today, learned family Court would consider the matter after giving notice to the respondent and affording due opportunity to her.

7. Present appeal, is accordingly, disposed of.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

January 20, 2025

Rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No