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

+ **MAT.APP.(F.C.) 13/2025**

SUMANSHU ASHTAAppellant

Through: Dr.N.Pradeep Sharma, Adv.

versus

KOMALRespondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **10.01.2025**

CM APPL. 1368/2025

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

MAT.APP.(F.C.) 13/2025, CM APPL. 1369/2025 (stay) & CM APPL.1376/2025 (delay of 86 days)

3. The present appeal seeks to assail order dated 19.07.2024 passed by the learned Family Court, Shahdara District, Karkardooma Courts, Delhi, in HMA No.1260/2021. Vide the impugned order, the learned Family Court has allowed the application preferred by the respondent/ wife under Section 24 of the Hindu Marriage Act, 1955, by directing the appellant to pay her monthly maintenance of Rs.25,000/-.



4. At the outset, we have put to learned counsel for the appellant as to how the present appeal would be maintainable when the appellant had earlier approached this Court by way of MAT.APP.(F.C.) 301/2024, which was dismissed as withdrawn on 04.10.2024 after arguments were addressed at length.
5. When faced with this situation, learned counsel for the appellant submits that the appellant has been compelled to approach this Court as the monthly salary of the respondent, which has been taken as Rs.29,791/- by the learned Family Court now stands enhanced to about Rs.45,000/- and therefore, the direction to pay her monthly maintenance of Rs.25,000/- needs to be reconsidered.
6. In our view, if that be the position, it is always open for the appellant to approach the learned Family Court to seek modification of the order by setting out the change in circumstance.
7. At this stage, learned counsel for the appellant submits that instead of pressing the present appeal, the appellant will approach the learned Family Court for modification of the impugned order in the light of the change in circumstance.
8. The appeal is, accordingly, dismissed as not pressed with liberty to the appellant to approach the learned Family Court by way of a modification application. We, however, make it clear that this liberty would not be construed as an expression of opinion by this Court regarding the correctness of the appellant's claim that the impugned order is required to be modified on account of any change in circumstance and any modification application, if moved by the appellant, would be considered by the learned Family Court as per



law.

9. The appeal alongwith pending application is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

GIRISH KATHPALIA, J

JANUARY 10, 2025

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