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

+ MAT.APP.(F.C.) 117/2023, CM APPL. 22314/2023 (stay), CM APPL. 22315/2023 (1253 days delay in filing appeal) & CM APPL. 22317/2023 (149 days delay in re-filing appeal)

AMBIKA & ANR.

.....Appellants

Through: Mr. Anuj Yadav, Advocate.

versus

CHAMPA & ORS.

.....Respondents

Through: Mr. IJS Mehra and Ms. Preeti,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

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14.11.2025

1. The present Appeal, under Section 19 of the Family Courts Act, 1984, assails the correctness of the Judgment and Decree dated 15.04.2019 passed by learned Judge, Family Courts, Central District, Delhi in HMA No.15/2016 while directing them (Appellants/in-laws of the Respondent No.1) to pay maintenance of Rs.8,000/- per month to the widowed daughter-in-law and Rs.3,000/- per month to the three grand-children each.

2. Husband of Respondent No.1/Ms. Champa, died in an accident on 17.09.2012. The learned Family Court, after coming to the conclusion that the income of the father-in-law of Respondent No.1 is approximately Rs. 1 Lakh per month from three different sources, i.e., agricultural, rental and income from the running of a shop in Gurugram, proceeded to assess the amount of maintenance.



3. It has also come on record that the claim from **Motor Accidents Claim Tribunal**¹ was also taken by the Appellants and another daughter-in-law impersonating the widowed daughter-in-law/Respondent No.1 and her children. It is also stated that the father of the widowed daughter-in-law works as an Assistant to a Halwai, for an income of Rs. 6000/- per month.

4. Learned counsel for the Appellants submits that the Appellant No.2/ mother-in-law is not liable to pay maintenance as per Section 19 of the Hindu Adoption and Maintenance Act, 1956, and the compensation awarded by the learned MACT is still lying before the concerned Court. He further submits that Appellant No.1 does not possess any coparcenary property to make him liable to pay the maintenance.

5. This Court has considered the submissions of the learned Counsel for the parties and with their able assistance, perused the material on record.

6. It is evident that the Appellants never drew the attention of the learned Family Court to the aforesaid submissions. The points which are sought to be projected before the Court in fact constitute a defence of the Appellants which should have been pleaded before the learned Family Court.

7. Learned counsel for the Appellants, at this stage, submits that the Appellants were proceeded *ex parte* before the learned Family Court.

8. On a pointed query as to why the Appellants could not prefer an application under Order IX Rule 13 of the **Code of Civil Procedure**,

¹MACT



1908², the learned counsel for the Appellants submits that his application under Order IX Rule 7 CPC has already been dismissed.

9. Be that as it may, being the Appellate Court, this Court is required to examine the correctness of the Impugned Order, which has been passed after considering all aspects of the matter. It is for the Appellants to choose their remedy in accordance with the law. As an Appellant Court, the Court is not expected to examine a matter as a Court of first instance.

10. With these observations, the present appeal is dismissed.

11. The present Appeal, along with pending application(s), if any, shall stand disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 14, 2025/rk/va

²CPC