



2025:DHC:2610-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 16.04.2025***+ **MAT.APP.(F.C.) 141/2025****IRSHAD KHAN**

.....Appellant

Through: **Mr. Narendra Mishra, Adv.**

versus

RASHIDA ALIAS MUNNI

.....Respondent

Through: **Nemo****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 21931/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

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2. This appeal has been filed by the appellant, challenging the Order dated 05.03.2025 passed by the learned Judge Family Court, District Shahdara, Karkardooma Court, Delhi (hereinafter referred to as, 'Family Court') in G.P. No. 91/2022 titled ***Irshad Khan v. Rashida @ Munni & Ors.***, whereby the application filed by the appellant herein seeking *interim* custody of the minor child as well as seeking a stay of the payment of the *interim* maintenance to the respondent, was partly heard. The appellant was directed to clear the arrears of maintenance of Rs. 18,000/- on the date of the Order itself, that is, 05.03.2025.

Signature Not Verified

Signed By: VIJAYA
LAKSHMI DOBHAL
Signing Date: 23.04.2025
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3. The learned counsel for the appellant submits that the appellant is aggrieved by the direction passed by the learned Family Court to pay the arrears of maintenance as being perverse.
4. Though finding that the appeal itself may not be maintainable, as the order is interlocutory in nature, we even otherwise, find no infirmity in the same. The learned Family Court has ensured that the Order of grant of maintenance, which is currently in operation, has to be complied with by the appellant unless vacated by the Court itself or by a higher Court in appeal. Therefore, no infirmity can be found in the said direction of the learned Family Court.
5. As far as the prayers of the appellant seeking direction to be issued to the learned Family Court to dispose of the application filed by the appellant under Section 340 of the Code of Criminal Procedure, 1973, and under Order XII Rule 6 of the Code of Civil Procedure, 1908, as well as the application for the grant of custody of the minor child, are concerned, these applications have been partly heard by the learned Family Court and therefore, we do not find any reason to give further directions to the learned Family Court on the same.
6. Accordingly, the present appeal stands dismissed as being devoid of any merit.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 16, 2025

p/mn/DG

Click here to check corrigendum, if any