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

+ CM(M) 2467/2024

SACHIN DOGRA

.....Petitioner

Through: Mr. Ram Gautam, Adv.

versus

ANJU BALA

.....Respondent

Through: Ms. Archana Gaur, DHCLSC
alongwith Ms. Ridhima Gaur, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.08.2025

1. From what is emerging before this Court, learned counsel for the petitioner primarily submits that since the respondent had already filed an application under *Section 24* of the Hindu Marriage Act, 1955 (**HMA**) on 31.07.2019 i.e. *Annexure P-5*, the second application once again under the provisions of *Section 24* HMA filed on 06.07.2022 was not maintainable.
2. Learned counsel for the petitioner further submits that since the provision contained under *Section 24* HMA is categoric to state that it is “... .. on application of the wife or the husband... ..” a party to the proceedings is only entitled to file only one application under *Section 24* HMA and thus the second *Section 24* HMA application could not have been filed as it is not maintainable in the eyes of law. He then submits that though an application for dismissal of the second application filed by the respondent on 06.07.2022 has been filed by the petitioner, however, the



same is yet to be decided by the learned Family Court.

3. Further, he also submits that the impugned order passed on 06.03.2024 by the learned Family Court has been passed without giving a reasonable opportunity to the petitioner, who was appearing in person on the said date as the learned counsel for petitioner i.e. Mr. Ram Gautam was unavailable to assist the Court as he was under the weather. In fact, he submits that the said order is bad as the petitioner will be unnecessarily burdened with additional costs of Rs.25,000/- as imposed vide the said order, particularly since, the application of the petitioner seeking maintenance is also pending before the learned Family Court.

4. *Qua* the issue of non-maintainability of the second/ subsequent application under *Section 24* HMA as filed on 06.07.2022 by the respondent, this Court is of the *prima facie* view that since there is no limit/ bar for any party, be it the wife or the husband, qua the maximum number of applications under *Section 24* HMA, there is no impediment for any party for (not) filing repeated applications under *Section 24* HMA. Moreover, the filing of such an application under *Section 24* HMA is based on a recurring cause(s) of action and is also dependent on the change of circumstances.

5. Be that as it may, since learned counsel for the petitioner seeks to address the application filed by the petitioner under *Section 151* of Code of Civil Procedure, 1908 for dismissal of the second application filed by the respondent under *Section 24* of HMA, the learned Family Court is requested to make all possible endeavours for disposing of all the three pending applications, two of them have been filed by the respondent and one of which has been filed by the petitioner, on merits, at the earliest,



preferably within a period of six weeks, without being influenced by the observations made by this Court.

6. *Qua* the second aspect of calling upon the petitioner to pay an amount of Rs.25,000/- in terms of order dated 06.03.2024 to the respondent, considering the factual circumstances involved, especially since the petitioner has been directed to make only a one-time payment of Rs.25,000/- towards further litigation charges and travel expenses to the respondent within a period of one month, this Court is of the considered opinion that there are no reasons for this Court to interfere with the impugned order. In any event, since it is specified that it is a one-time payment, the petitioner will always be at liberty to seek/ claim benefit of the said payment of Rs.25,000/- at the time of final disposal of the three applications under *Section 24 HMA*.

7. Accordingly, the present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

AUGUST 26, 2025/Ab