



2025:DHC:3314-DB



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

Date of decision: 05.05.2025

+ MAT.APP.(F.C.) 165/2025
CHANDNA SINGH RAKSHITAppellant

Through: Ms.Zeba Khair, Ms.Sitwat
Nabi, Mr.Rayyan Ibrahim and
Ms.Aditi Chaudhary, Advs.

versus

RAJEEV RAKSHITRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE DHARMESH SHARMA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 26710/2025 (Exemption)

1. Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 165/2025 & CM APPL. 26709/2025

2. This appeal has been filed by the appellant, challenging the Order dated 05.11.2024 passed by the learned Principal Judge, Family Court, South East District, Saket (hereinafter referred to as, 'Family Court') in HMA No. 314/2021 titled ***Rajeev Rakshit v. Chandna Singh Rakshit***, whereby the application filed by the appellant herein under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as, 'HMA') was disposed of with a direction to the respondent to pay monthly maintenance of Rs.60,000/- to the appellant on the 15th day of every English Calendar month from the



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date of filing of the said application, that is, 23.03.2022 till the disposal of the said HMA.

3. Stated in brief, the facts giving rise to the present appeal are that the marriage between the parties was solemnised on 23.11.1999 at New Delhi as per Hindu rites and ceremonies. They have been blessed with two children; a daughter born on 22.12.2002, and a son born on 28.08.2004.

4. The appellant instituted a complaint under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the, 'DV Act'), being CT Case No. 9424 of 2017, on 29.08.2017.

5. By an Order dated 04.03.2020, the learned Mahila Court, Saket Court, Delhi, directed the respondent to pay maintenance of Rs.40,000/- each for the two children, however, the claim of the appellant herein for maintenance was denied.

6. Aggrieved thereby, the appellant filed an appeal before the learned Additional Sessions Judge, Saket Court, Delhi, being CA No. 116/2020. The appellant has placed on record a copy of the Order dated 22.03.2025 by which the said appeal has been disposed of by the learned Additional Sessions Judge with a direction that the appellant shall be paid maintenance of Rs.30,000/- per month for herself and Rs.80,000/- per month for her two children.

7. In the *interregnum*, the respondent instituted the aforesaid petition seeking a divorce from the appellant under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955.

8. The appellant, in turn, filed an application under Section 24 of the HMA in the above Divorce Petition, claiming maintenance of



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Rs.2,00,000/- per month, as well as litigation expenses.

9. From the Impugned Order, it is evident that the respondent did not file his affidavit of income and assets in terms of the Judgment of the Supreme Court in **Rajnesh v. Neha & Anr.**, (2021) 2 SCC 324. The respondent also stopped appearing in his above-mentioned Divorce Petition and instead is claimed to have made a statement on 28.07.2023 expressing his intention to withdraw the said Divorce Petition.

10. The learned Family Court has passed the Impugned Order, disposing of the application filed under Section 24 of the HMA by the appellant with the above-mentioned direction to the respondent.

11. The appellant, aggrieved of the same, has filed the present appeal with a delay of 106 days.

12. In the meantime, as noted hereinabove, the learned Additional Sessions Judge, by an Order dated 22.03.2025, partially modified the Order of the learned Mahila Court, thereby directing the respondent to pay maintenance of Rs.30,000/- per month to the appellant, in addition to Rs.80,000/- per month for the two children.

13. The learned counsel for the appellant submits that the learned Family Court has failed to appreciate that the respondent had intentionally concealed his income and assets from the learned Family Court by not filing the affidavit of income and assets in terms of the Judgement of **Rajnesh v. Neha & Anr.** (supra).

14. She submits that the learned Family Court has also erred in assessing the income of the respondent as only Rs.3,60,000/- per month. She submits that the children of the parties are presently



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studying at Ashoka University, for which the entire expenditure is being borne by the appellant. She submits that, therefore, the Impugned Order is liable to be set aside and the maintenance awarded to the appellant is liable to be enhanced.

15. We have considered the submissions made by the learned counsel for the appellant. However, find no force in the same.

16. Though the respondent failed to file his affidavit of income and assets before the learned Family Court, the learned Family Court has taken note of the pleadings of the appellant herself wherein she had placed reliance on the affidavit of income and assets filed by the respondent before the learned Executing Court in Ex.Crl.117/2021 and Ex. Crl. 118/2020, and claimed income of the respondent as Rs. 3.50 lakhs. The appellant, even in her Rejoinder dated 22.03.2024 filed before the learned Family Court in the above application, claimed that the respondent has been claiming his income to be Rs. 4 lakhs. Though the appellant claimed that the income of the respondent is more than this, she could not substantiate the said claim.

17. Based on the assessment of the income of the respondent as Rs.3,60,000/- per month, the learned Family Court arrived at the figure of Rs.60,000/- per month as maintenance payable for the appellant.

18. Apart from stating that the respondent would be earning more than Rs.5,00,000/- per month, the appellant has been unable to place any document on record that would substantiate the said submission. In fact, from her own pleadings, it would appear that this is more of an assumption rather than based on any fact.



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19. In addition to the above, we again take note of the Order dated 22.03.2025 passed by the learned Additional Sessions Judge in CA No. 116/2020, wherein, the learned Additional Sessions Judge, on the basis of the pleadings and evidence before it, assessed the income of the respondent as Rs.3,50,000/- per month and the income of the appellant as Rs.51,250/- per month. The learned Additional Sessions Judge, therefore, directed that the appellant be paid maintenance of Rs.30,000/- per month, while the children will continue to get maintenance of Rs.80,000/- per month from the respondent.

20. Interestingly, from the reading of the Order passed by the Ld. ASJ, it appears that the appellant did not bring the Impugned Order to the notice of the learned ASJ. We deprecate such a practice, as it is contrary to the Judgment of **Rajnish v. Neha & Anr.** (supra).

21. Be that as it may, the above Order passed by the learned Additional Sessions Judge, would also indicate that the respondent, in addition to the maintenance of Rs. 60,000/-, which has now been directed to be paid to the appellant in terms of the impugned order, has been directed to pay maintenance of Rs.80,000/- per month for the two children. The plea of the appellant that she would have to bear the entire additional expenses of the children, therefore, does not hold much water. There are no details of such other expenses and even otherwise, that would be a subject matter of other proceedings, if initiated by the appellant.

22. In addition to the above, there is a delay of 106 days in filing of the appeal. The only ground urged to seek condonation of this delay is that the appellant is a homemaker and is the sole caregiver to the two



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minor children and has no familial or financial support. It is further contended that the parties are involved in multiple legal proceedings, resulting in a considerable amount of time being spent on gathering documents and legal consultation for the appeal. However, what is to be noted is that the present appeal has been filed only after the order dated 22.03.2025 was passed by the learned Additional Sessions Judge in the appeal filed by the appellant. It appears that the appellant was awaiting the outcome of the said appeal. The said appeal was being pursued by the appellant and there is no reason why the appellant could not file the present appeal within time.

23. We therefore, find that the appellant has not been able to show sufficient cause for condoning the delay.

24. In view of the above, the present appeal is dismissed, both on ground of delay and on merit.

NAVIN CHAWLA, J

DHARMESH SHARMA, J

MAY 5, 2025/sg/DG

Click here to check corrigendum, if any