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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 329/2019, CM APPL. 54351/2019 (Stay), CM APPL. 54353/2019 (Delay of 122 days in filing the appeal)**

VIKASH CHAUDHARYAppellant
Through: Mr. Ankur Dhall, Mr. Shubham Patel, Mr. Kuldeep Shukla and Mr. B.P. Pandey, Advs.

versus

MEENAKSHIRespondent
Through: Counsel (appearance not given)
Respondent in person

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **ORDER**
23.07.2025

1. On 18.12.2019, the following order was passed:-

1. The appellant/husband is aggrieved by an order dated 18.7.2019, passed by the learned Family Court disposing of an application filed by the respondent/wife claiming maintenance for herself and two children of the parties aged three and one years old respectively, who are in her care and custody.

2. In the impugned order, while recording that the appellant/husband, who is 30 years old and a qualified BBA and MBA has not filed any document to show the proof of his income and he claims that he is earning a sum of Rs.20,000/- per month as a Marketing Manager at the Family Care Nursing Home, the Family Court has directed him to pay a total sum of Rs.16,000/- per month towards the maintenance of the respondent and the two children.

3. We may further record that the present appeal has been filed along with an application for condonation of delay of 122 days. The reason to explain the delay is that the appellant elected to file an application, seeking review of the order dated 18.7.2019, which



was dismissed as meritless by the learned Family Court on 22.10.2019.

4. On enquiring from learned counsel for the appellant/husband as to whether he has paid any amount to the respondent/wife from 18.7.2019 onwards, the answer is in the negative. In other words, despite the fact that no interim order has been operating in favour of the appellant/husband in all this duration, he has not complied with the said order till date.

5. As for the submission made by learned counsel for the appellant/husband that he has placed on record a Certificate dated 21.10.2019 issued by his employer, namely, Family Care Nursing Home [Annexure P-3 (colly)] on a perusal of the same, it transpires that the gross salary of the appellant has been mentioned as Rs.20,000/- per month. We may note that even the minimum wages payable to an unskilled labour in Delhi, fixed by the Govt. of NCT of Delhi, is in the same range. We are therefore not inclined to accept the said Certificate purportedly issued by the appellant's employer, as correct.

6. It is deemed appropriate to issue notice to show cause the appellant/husband calling upon him to state why the maintenance fixed by the Family Court and payable to the respondent and the two children in her care, should not be enhanced.

7. Issue notice.

8. The appellant/husband, who is present in court, accepts notice. Reply be filed within two weeks.

9. It is made clear that the pendency of this appeal will not be a ground for the appellant to seek a stay of the execution petition, if any, filed by the respondent/wife for implementation of the impugned order. The Family Court shall be at liberty to proceed in the execution petition and take it to its logical conclusion.

10. List on 13.2.2020.

11. A copy of this order be sent by the Registry forthwith to the learned Family Court for information.

2. The Family Court had directed the Appellant to pay maintenance @ Rs. 16,000/- per month.

3. It is evident from the reproduced order that the appeal was entertained only with a view to enhance the amount of maintenance as the Hon'ble Bench felt that the amount awarded is insufficient.



4. However, the Respondent has failed to produce any document despite repeated opportunities.

5. Hence, the present appeal is dismissed with liberty to the Respondent to file an application for revision or enhancement of amount of maintenance before the Family Court. All pending applications are also disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 23, 2025/sp/sh