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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1485/2025 & CM APPL. 48981/2025**
RAJANPetitioner

Through: Mr. Aviral Saxena, DHCLSC with Mr.
Shashank S Pandey, Advocates.

versus

PRIYANKARespondent

Through: Mr. A K Srivastava with Mr.
Mohammad Mubeen, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **11.08.2025**

1. Petitioner is defending a maintenance petition filed by his daughter under the provisions of Hindu Adoptions and Maintenance Act, 1956 whereby she is seeking maintenance, marriage expense and litigation expenses.
2. Petitioner is aggrieved by order dated 29.04.2025, whereby on account of his daughter getting married on 07.05.2025, he has been directed to pay marriage expenses of Rs. 2.5 lacs in terms of Section 3(b) of Hindu Adoptions and Maintenance Act, 1956.
3. The abovesaid order is, evidently, not a procedural one and decides substantive rights of the parties.
4. As per the main prayer in the abovesaid maintenance petition, the respondent herein, *inter alia*, is seeking a sum of Rs. 20 lacs from her father towards marriage expense. Since the learned Trial Court i.e. Judge, Family Court, Central, Tis Hazari Courts, Delhi has, by virtue of the abovesaid impugned order dated 29.04.2025, decided valuable rights of the parties, an appeal should have been filed, instead of invoking supervisory jurisdiction of



this Court under Article 227 of Constitution of India.

5. Reference be made to Full Bench judgment of this Court given in *Dr. Geetanjali Aggarwal Vs. Dr. Manoj Aggarwal*: 2024 SCC OnLine 7220 wherein the question had cropped up as to which order could be challenged by filing an appeal and after comprehensive evaluation, the learned Full Bench of this Court, *inter alia*, observed as under: -

“34. As we have already held hereinabove that the powers exercisable under the FC Act, could not be controlled by the provisions of other statutes, we are of the view that the criteria prescribed under the GW Act, could not be applied to test whether an order should be treated as an interlocutory order for the purposes of the FC Act. The mere fact that an order under Section 12 of the GW Act has been labelled as an interlocutory order under the said Act, cannot, therefore, be a ground to hold the same as an interlocutory order under the FC Act, which Act was enacted 94 years later and was intended to provide a much wider window for appeal. In our view, in every case, when an order passed by the Family Court, is taken in appeal before the High Court, it would be incumbent upon the Court to examine the nature of the impugned order in its entirety to determine whether the same is in the nature of an adjudicatory order which decides valuable rights of the parties. Whenever the Court finds that an order touches upon the vital rights of the parties in contradistinction to an order which is merely a procedural order, an appeal ought to be entertained, irrespective of the fact that the order was passed during the pendency of the proceedings before the learned Family Court.”

(Emphasis supplied)

6. The aforesaid extracted portion of *Dr. Geetanjali Aggarwal Vs. Dr. Manoj Aggarwal* (supra), clearly indicates that it is incumbent upon the Court to examine the nature of impugned *order in its entirety* and then to determine whether same is in nature of an adjudicatory order which decides the valuable rights of the parties. It also lays down that if the Court finds that an order touches upon the vital rights of the parties in contradistinction to an order which is merely a procedural one, appeal ought to be entertained.

7. Viewed thus, the order in question, whereby maintenance has been



granted, cannot be said to be an interlocutory one. It is neither procedural in nature as it touches upon the valuable rights of the parties concerned and, therefore, the appeal is maintainable. Therefore, instead of invoking supervisory jurisdiction of this Court, petitioner should rather challenge the impugned order by filing *Matrimonial Appeal (FC)*.

8. After hearing arguments for some time and in view of the abovesaid legal position, learned counsel for petitioner does not press the present petition and seeks to withdraw the same with liberty to file appeal under Section 19 of Family Courts Act, 1984.

9. Present petition is disposed of as not pressed. Liberty as prayed is granted.

10. All rights and contentions of the parties are reserved.

11. Pending application also stands disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 11, 2025/sw/JS