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

\+ MAT.APP.(F.C.) 3/2024

DEEPIKA SINGH .....Appellant

Through: Mr. Akil Rataeeya, Mr. Harsh Gulia, Mr. Sunny Dagar and Ms. Anjali Yadav, Advocates through VC.

versus

SANDEEP YADAV .....Respondent

Through: Mr. R.D. Singh and Ms. Divya Tripathi, Advocates alongwith Respondent in person.

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

O R D E R

% **30.10.2025**

1. The present Appeal, under Section 19 of the Family Courts Act, 1984, read with Section 28 of the Hindu Marriage Act, 1955, impugns the Order dated 21.10.2023 passed by the learned Family Court, Dwarka, Delhi, in HMA No. 2919/2018.

2. The dispute herein is with regard to the assessment of maintenance *pendent-lite* payable to the Appellant and the daughter of the parties. The learned Family Court had directed the Respondent to pay an amount of Rs. 40,000/- per month to the Appellant. Consequently, on 13.02.2024, the following Order was passed:-

> "1. On the previous date i.e., 05.01.2024, after hearing counsel for the appellant/wife, *albeit* broadly, the grievance of the appellant/wife was set forth in the said order. For convenience, the relevant part of the order dated 05.01.2024 is extracted hereafter:
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> *"6. This appeal seeks to assail the order dated 21.10.2023 passed by the learned Principal Judge, Family Court,*

Dwarka, New Delhi. 7. Briefly, via the impugned order, the appellant has been awarded a consolidated amount of Rs.40,000/- per month towards maintenance. Out of the said sum, Rs.20,000/- has been awarded to the appellant, while the balance amount stands awarded in favour of the daughter. We are told that the daughter is approximately seven (7) years of age. 8. Besides this, the respondent has also been directed to continue with the payment of the daughter's school fees.

9. Learned counsel for the appellant says that the aforesaid amount which has been awarded to the appellant is grossly inadequate, considering the fact that the respondent is a commercial pilot with a private airline and earns a good salary.

10. A perusal of the impugned order also discloses that, at the relevant time, the appellant was working as a Chief Executive Officer of an entity named ZOCIS Healthcare Pvt. Ltd. [hereafter referred to as "ZHPL"].

11. Learned counsel for the appellant says that, at present, the appellant is not working with ZHPL.

12. We would like the appellant to file her Income Tax Returns for the previous three Assessment Years (AYs). Furthermore, the appellant will also file an affidavit disclosing her assets and current liabilities.

12.1 The respondent is also directed to place on record his salary slips for the preceding year and for January 2024. Furthermore, the respondent will also file an affidavit disclosing his assets and current liabilities.

13. The aforesaid filings will be made within the next ten (10) days. 14. Issue notice to the respondent via all modes including e-mail.

15. List the matter on 13.02.2024.

16. The order passed today will accompany the notice issued to the respondent."

2. Mr Vishal Gera, Advocate, has entered appearance on behalf of the respondent/husband. As directed, inter alia, the salary slips concerning the respondent/husband have been placed on record.

3. It is not disputed by Mr Gera that the respondent/husband earned a gross salary of Rs.9,39,482/- and a take home salary amounting to Rs.6,24,159/- in December, 2023.

4. Mr Gera has placed on record a hardcopy of the salary slip for January 2024 as well, which shows that the gross salary earned by the respondent/husband was Rs.7,68,935.49, while the take home salary, after deductions, amounted to Rs.5,16,598/-.

5. Mr Gera states that the difference in salary from month-to-month is, largely, due to variation in the pilot allowance and the flying allowance.

6. Hence, what emerges is that the respondent/husband in the recent past has been earning take home salary in the range of Rs.5 to 6 lakhs. 7. Given this position, for the moment, we are of the view that the interim maintenance should be enhanced to Rs.1.25 lakhs per month, which would include monthly school fee amounting to Rs.29,000/- (approx.) that the respondent/husband was paying for the child, as is evident from the extract of the order dated 05.01.2024.

8. Thus, insofar as the appellant/wife is concerned, she would be entitled to receive Rs.40,000/- per month, while the child would be entitled to Rs.56,000/- per month towards maintenance and Rs.29,000/- (approx) towards the school fee. In case the school fee is enhanced, the additional burden will be borne by the respondent/husband. 8.1 As indicated above, the total amount that the respondent/husband would have to pay towards the maintenance will be Rs.1.25 lakhs per month. This enhancement will operate from January, 2024, till further orders of the Court.

9. Since the parties have indicated that they would like to avail the services of a mediator, they are directed to present themselves before the Delhi High Court Mediation and Conciliation Centre [in short, "Centre"] on 23.02.2024 at 03.00 P.M.

9.1 The Centre will appoint a senior mediator, who is well versed in matrimonial law.

9.2 The mediator will furnish a report in the matter before the next date of hearing.

10. Counsel for the respondent/husband says that since this court has enhanced the maintenance, for the present, other proceedings concerning award of maintenance, such as those taken out under Section 125 of the Code of Criminal Procedure, 1973 and the Protection of Women from the Domestic Violence Act, 2005, may be stood over.

10.1 The aforesaid request is acceded to by the counsel for the appellant/wife.

11. List the appeal on 22.07.2024."

3. The Appellant and the Respondent have filed their respective affidavits of income, liabilities and assets. A perusal of the same would show that the income of the Respondent-husband has been varying throughout.

4. In these circumstances, this Court finds that it would be appropriate if the parties file a fresh application for assessing the maintenance *pendent-lite* before the learned Family Court. Hence, the

present Appeal is dismissed.

5. Until further consideration, the Interim Order dated 13.02.2024 passed by this Court shall continue to operate, particularly in view of the fact that the Respondent-husband is employed as a commercial pilot drawing, approximately, a salary of around Rs. 6,00,000/- per month.

6. Accordingly, the present Appeal, along with pending application(s), if any, stands disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 30, 2025/tk/va