



\$~74

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

+ MAT.APP.(F.C.) 295/2025, CM APPL. 50568/2025 (Stay) &
CM APPL. 50569/2025 (Ex. from filing certified copies of the
annexures A1-A4)

SHASHI

.....Appellant

Through: Mr. Prateek Kumar, Ms.
Aarushi Jain, Mr. Yojit Pareek,
Ms. Ankita, Mr. Prasant
Kumar Sharma and Mr. Chetan
Charitra, Advocates.

versus

ARYA KUMAR & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

% **18.08.2025**

1. The present Appeal has been filed under Section 19 of the Family Courts Act, 1984, by the Appellant against the order dated 06.08.2025 passed by the Family Court, South-West District, Dwarka Courts, New Delhi in HMA No. 360/2017.
2. The Appellant before this Court is the wife of the Respondent. It is undisputed that the Appellant has rented a shop at a rate of Rs. 15,000/- for the purpose of operating a beauty parlour. Furthermore, the Appellant is responsible for the maintenance of three children, including a major daughter and son, as well as a minor son.
3. The Respondent is earning Rs. 35,000/- per month while working in a private company. The Family Court has directed the Respondent to pay maintenance of Rs. 5,000/- for each of his children.



The main divorce petition is currently at the stage of final disposal and is fixed for hearing on 23.08.2025.

4. Learned counsel appearing for the Appellant has made detailed submissions, including the contention that the wife cannot be denied maintenance and that the maintenance granted to the children is insufficient. He further submits that an application for stay of proceedings on account of failure to pay maintenance is also pending but has yet to be decided. Additionally, he contends that the Court had directed the husband to pay maintenance from the year 2022, whereas the application was filed in 2014.

5. This Court has considered the submissions. The purpose of granting maintenance *pendente lite* is to ensure that the dependents, including the wife and children, are able to sustain themselves during the pendency of the case.

6. The primary objective is to determine whether or not a decree of divorce should be granted in the main case, which is scheduled for final disposal on 23.08.2025.

7. Though the learned counsel for the Appellant has submitted that the wife cannot be denied maintenance *pendente lite*, however, it is undisputed that she is an earning individual. The Appellant has rented a shop for the purpose of operating a beauty parlour, and given that she is paying a monthly rent of Rs. 15,000/-, it is reasonable to expect that she is generating some income with which she can support herself.

8. The Respondent has already been directed to pay Rs. 5,000/- per month for each of his children, amounting to a total of Rs. 15,000/- as maintenance, from his monthly salary of Rs. 35,000/-. Additionally, the Respondent is also responsible to maintain his



parents.

9. With regard to the submission made by the learned counsel that maintenance is typically granted from the date of application, this Court is of the view that, in the peculiar facts of this case—particularly considering that the application for maintenance remained pending for nearly 11 years—the Family Court has passed an order granting arrears of maintenance from 2022. At the cost of repetition, this is only an interim maintenance.

10. In light of the aforementioned facts, no grounds have been established to interfere with the Order passed by the Family Court. However, it is pertinent to note that the main divorce petition, filed in 2014, has been pending for the past 11 years. Accordingly, the Family Court is urged to make a sincere effort to ensure the final disposal of the divorce petition, preferably within a period of one month from today.

11. The present appeal, along with pending application(s), if any, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

AUGUST 18, 2025/nd/ds