



\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 372/2024, CM APPL. 66942/2024 & CM APPL.
67737/2024
VIPUL CHUGHAppellant

Through: Mr. Abhishek Chaterjee, Mr. Abhijeet
Singh, Mr. Akshat Aggarwal, Mr.
Mohit Aggarwal, Advocates.

versus

APURVA AWASTHYRespondent

Through: Dr. L.S. Chaudhary, Dr. Ajay
Chaudhary, Mr. Vikram Singh, Mr.
Bharat Chaudhary, Ms. Vinita, Ms.
Monika Chaudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

10.03.2025

%

1. The appellant has filed the present appeal impugning an order dated 07.03.2024 to the extent that the learned Family Court has directed the appellant to pay a sum of ₹1,00,000/- to his wife (respondent) to defend the proceedings instituted by the appellant.
2. It is material to note that the appellant had instituted a petition for seeking divorce (HMA 271/2021 captioned *Vipul Chugh v. Apurva Awasty*).
3. During the course of the said proceedings, the respondent had filed an application under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance. The said application was dismissed. However, the learned Family Court considered it apposite to allow a cost of ₹1,00,000/- to the respondent for defending the litigation.
4. The learned counsel appearing for the appellant has impugned the



said order on two fronts. First, he submits that the order records that the entries in the respondent's bank account reflected that she had income/funds to defend the litigation and yet the learned Family Court has directed a cost of ₹1,00,000/- to be paid. Second, he submits that after the said order was passed, the appellant had withdrawn the divorce petition unconditionally and therefore, there was no requirement for the respondent to defray costs for defending the said proceedings.

5. The learned counsel appearing for the respondent has countered the aforesaid submissions. He submits that the reasonable sum of ₹1,00,000/- was awarded as the respondent had already engaged lawyers for defending the proceedings and incurred expenses for the same. Thus, notwithstanding that the appellant has withdrawn the proceedings, the respondent would, nonetheless, require to pay for the expenditure in defending the said proceedings. Secondly, he submits that the learned Family Court has also noted that the respondent is no longer employed and thus the order directing payment of costs to address the requirement of additional funds for defending the litigation cannot be faulted.

6. We have heard the learned counsel for the parties.

7. The learned Family Court had clearly noted the fact that the respondent was no longer employed and was not drawing a regular salary. The learned Family Court had also noted the earlier entries in her bank account which reflected that she had ample sources of earning. After taking the same into account, the learned Family Court had rejected the application for regular maintenance but it had directed the appellant to pay the litigation costs. It is clear that the impugned order was passed after consideration of the relevant facts. However, considering that the appellant has withdrawn



the divorce proceedings, we think it apposite to reduce the said amount. The appellant has already paid a part of the amount and has deposited the balance in this court. We, accordingly, direct that a further amount of ₹50,000/- be released to the respondent. The balance amount along with accrued interest be released to the appellant.

8. The appeal is disposed of in the abovesaid terms.
9. All the pending applications stand disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 10, 2025

RK

Click here to check corrigendum, if any