



\$~89

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

% ***Date of Decision: 22nd April, 2025***

+ **CM(M) 4076/2024 & CM APPL. 73050-73051/2024**

MR RAVI

.....Petitioner

Through: None.

versus

MS REKHA

.....Respondent

Through: Mr. Vikash Trivedi, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. None appears on behalf of the petitioner.
2. Respondent is, however, present with her counsel Mr. Vikash Trivedi.
3. Petitioner herein is defending a petition filed by his wife whereby she is seeking divorce on the ground of cruelty and desertion.
4. During pendency of the abovesaid petition, on the basis of one application moved under Section 24 of Hindu Marriage Act, 1956, the learned Trial Court, *vide* order dated 17.03.2023 directed the petitioner-husband to pay a sum of Rs.10,000/- per month as *ad-interim maintenance* with effect from March, 2023 till disposal of the abovesaid application.
5. Such order is under challenge.
6. During course of arguments, however, learned counsel for the respondent submits that the present petition is not maintainable as before filing the present petition, the respondent-wife had already withdrawn her divorce petition on 07.12.2023. So much so, even the Execution Petition filed by her has been disposed of, as satisfied. It is submitted that in relation to the abovesaid divorce petition, no proceedings of any nature, whatsoever, are



pending.

7. A careful perusal of the petition would also indicate that even the petitioner-husband, in the present petition, has mentioned that the divorce petition has been withdrawn by his wife on 07.12.2023.

8. The abovesaid order was, even otherwise, interim in nature and the learned Judge, Family Court, while hearing arguments on the application moved under Section 24 of Hindu Marriage Act, 1956, would have, certainly, taken response from the petitioner-husband, before taking any final decision with respect to the grant of maintenance.

9. The grievance in the present petition is also, perhaps, to the effect that the petitioner-husband was not heard before the abovesaid interim order was passed.

10. Be that as it may, keeping in mind the fact that the divorce petition has already been withdrawn by the respondent wife on 07.12.2023, this Court does not find any substance in the present petition, as for all practical purposes, it has already become infructuous.

11. The petition stands disposed of accordingly.

12. All the pending applications also stand disposed of accordingly.

13. Before parting, this Court, would, however, like to clarify that when asked, learned counsel for the respondent also apprised that the respondent-wife has already filed a petition under Section 125 Cr.P.C. seeking maintenance and such petition is now listed for further consideration before the concerned Family Court on 24.05.2025.

(MANOJ JAIN)
JUDGE

APRIL 22, 2025
st/pb