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

+ MAT.APP.(F.C.) 412/2025, CM APPL. 74272/2025, CM APPL. 74273/2025 and CM APPL. 74274/2025

GURJEET KAURAppellant

Through: Mr. Anil Sharma, Mr. A S Babbar, Mr. Sapandeep, Mr. Jagesh Singh, Advs.

versus

GURMEET SINGHRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

27.11.2025

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1. This Court has heard learned counsel representing the Appellant at length. The present Appeal is being disposed of at the first instance without issuing Notice to the Respondent, while granting the Respondent the liberty to file an application for recall of this order, if so advised.

2. Through the present Appeal, the Appellant assails the correctness of the order dated 30.05.2025 [hereinafter referred to as 'Impugned Order'] passed by the Family Court, wherein an application under Section 24 of the Hindu Marriage Act, 1955 [hereinafter referred to as 'HMA'] filed by the Appellant was disposed of by directing the Respondent to pay interim maintenance at the rate of Rs.20,000/- per month as was assessed in the proceedings under Section 125 of the Code of Criminal Procedure, 1973 [hereinafter referred to as 'CrPC'].



3. Upon a careful examination of the record and submissions made, it is apparent that the Family Court failed to give due consideration to the averments made in the application filed by the Appellant under Section 24 of the HMA. Furthermore, the Family Court has not addressed or adjudicated upon the application under Section 24 of the HMA in a manner consistent with established legal principles.

4. The Family Court, in the Impugned Order, erroneously concluded that the maintenance already awarded in the proceedings under Section 125 of the CrPC was adequate and sufficient. However, the Family Court failed to examine or discuss the content of the application under Section 24 of the HMA. This approach is not in accordance with the settled legal procedures and principles of natural justice. Specifically, the Family Court erred in disposing of the application under Section 24 of the HMA without recording any finding of fact or applying its judicial mind to the specific relief sought by the Appellant.

5. The Family Court, having entertained an application under Section 24 of the HMA, was required to consider the application on its merits, taking into account the factual matrix of the case and the financial circumstances of both parties. The decision in the present matter cannot be concluded by merely adopting the maintenance amount from Section 125 CrPC proceedings, without a proper adjudication of the application under the HMA. The procedure followed by the Family Court is contrary to the established legal norms and, therefore, unsustainable.

6. In light of the above, the present Appeal is allowed. The Impugned Order dated 30.05.2025 is hereby set aside. The Family



Court is directed to reconsider and decide the application filed by the Appellant under Section 24 of the HMA afresh, following due process of law, after taking into account all relevant factors and after providing both parties an opportunity to present their arguments and evidence in support of their respective claims for interim maintenance.

7. It is further observed that the Respondent shall be at liberty to file an application for the recall of this order, if so advised, in accordance with law.

8. The present Appeal, along with the pending applications, stands disposed of in the above terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 27, 2025

jai/pal