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

+ MAT.APP.(F.C.) 432/2024, CM APPL. 7331/2025 (Delay of 737 days in filing the Appeal) & CM APPL. 7332/2025 (Delay of 630 days in Re-filing the Appeal)

SURABHI PADHY

.....Appellant

Through: Mr. C. S. Panda, Adv.

versus

BISWARANJAN PADHY

.....Respondent

Through: Ms. Aparna Bhat, Sr. Adv. with
Ms. Karishma Maria, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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26.11.2025

1. This matter is taken up today as 25th November, 2025, was declared a holiday on account of the 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.
2. The present Appeal assails the correctness of the Order dated 22.10.2022 passed by the learned Family Court, Dwarka, New Delhi. By way of the Impugned Order, the learned Family Court, while disposing of an application filed under Section 24 of the Hindu Marriage Act, 1955 ["Act"], granted maintenance *pendente lite* at the rate of Rs. 35,000/- per month.
3. The Appeal is accompanied by two applications, the first seeks condonation of the delay of 737 days in filing the Appeal, whereas the second seeks condonation of the delay of 630 days in re-filing the



Appeal.

4. However, the record reflects that the Appeal was filed, impugning the Order dated 22.10.2022, on 22.10.2024. The Registry of this Court marked defects, and eventually, the Appeal was listed on 18.12.2024. Thereby, there was a delay of 731 days in filing the Appeal; and further, the Appeal was re-filed and listed after 57 days, i.e., with a further delay of 27 days in re-filing.

5. This Court also notes that, in the meantime, the petition filed under Section 13(1)(ia) and 13(1)(ib) of the Act seeking a decree of divorce was adjudicated, and a decree of divorce was granted by the learned Family Court *vide* Judgment dated 07.09.2024.

6. During the course of arguments, it was further submitted that the Appellant had filed an application before the learned Family Court seeking enhancement of the maintenance fixed by the Impugned Order. It was also submitted that the said application was disposed of by the learned Family Court while pronouncing the Judgment dated 24.04.2025 in the petition filed by the Appellant under Section 125 of the Criminal Procedure Code, 1973 [**“Cr.P.C.”**], seeking a direction to the Respondent to pay maintenance.

7. The said petition was allowed *vide* Judgment dated 24.04.2025, directing, *inter alia*, the Respondent to pay maintenance at the rate of Rs. 60,000/- per month.

8. Since the application for enhancement of the maintenance amount, as well as the petition under Section 125 of the Cr.P.C., have been adjudicated upon, this Court does not find it appropriate to keep the present Appeal pending, while also keeping in mind the facts that the present Appeal was filed with an inordinate delay of approximately more than 730 days. Accordingly, this Appeal is



dismissed.

9. The present Appeal, along with pending application(s), if any, is disposed of in the above terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 26, 2025/ v/va