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

+ MAT.APP.(F.C.) 306/2024, CM APPL. 54431/2024-Stay

DHRUV SHANKER SAXENAAppellant

Through: Mr. Vikas Aggarwal, Anshu Mahajan
and Ms. Anjali Sharma, Advs.

versus

MEGHNA SINGHRespondent

Through: Mr. Bharat Singh, Adv.

+ MAT.APP.(F.C.) 444/2024, CM APPL. 76185/2024-Delay 95 days

MRS MEGHNA SINGH SAXENAAppellant

Through: Mr. Bharat Singh, Adv.

versus

LIEUTENANT COLONEL DHRUV SHANKAR SAXENA

.....Respondent

Through: Mr. Vikas Aggarwal, Anshu Mahajan
and Ms. Anjali Sharma, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

10.02.2025

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1. These two appeals, one preferred by the husband and the other by his estranged wife, seek to assail the order dated 06.08.2024 passed by the learned Family Court, South-West, Dwarka Courts, Delhi in HMA No. 2807/2017. Vide the impugned order, the learned Family Court



has allowed the application preferred by the wife under Order XI Rules 12 & 14 of CPC seeking enhancement of *pendente lite* maintenance by directing the husband to pay enhanced maintenance w.e.f. 01.04.2020. While the husband, who is the appellant in MAT.APP.(F.C.) 306/2024 has prayed that the maintenance awarded by the learned Family Court be reduced and the enhancement, if any, be made effective only w.e.f. 01.06.2022, the wife, who is the appellant in MAT.APP.(F.C.) 444/2024, has prayed that the maintenance awarded by the learned Family Court be enhanced w.e.f. 01.04.2023.

2. After some arguments, learned counsel for the parties submit that instead of pressing the present appeals on merits, they may, in the light of the changed circumstances, be granted liberty to approach the learned Family Court to seek modification of the maintenance granted in terms of the impugned order, for which purpose, they may be permitted to rely on all permissible grounds in law including the change in circumstances.
3. The appeals are, accordingly, disposed of as not pressed with liberty, as prayed for. Since this Court has not expressed any opinion on the merits of the grounds raised in the two appeals, it will be open for the parties to raise all permissible grounds before the learned Family Court including the grounds raised in the present appeals. We, however, make it clear that the liberty granted will not entitle the parties to seek any variation in the quantum of maintenance for the period prior to 06.08.2024, i.e, the date when the impugned order was passed.



4. We, further direct that in case any arrears towards maintenance in terms of the impugned order are due and payable, the husband will ensure that the same are cleared within eight weeks. We also request the learned Family Court to expeditiously dispose of not only the applications for modification as may be filed by the parties but also endeavour to proceed with the adjudication of the pending HMA petition without granting any adjournment to any party.

Liberation

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 10, 2025

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