



\$~11

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

+ MAT.APP.(F.C.) 201/2026, CM APPL. 38512/2026, CM APPL. 38513/2026

SUNIL KUMAR SHARMA

.....Appellant

Through: Mohd. Azam Ansari and Mr. Afjal Ansari, Advs.

versus

MANU@MAHIKA SHARMA & ANR.

.....Respondents

Through: Mr. Pankaj Mendiratta and Mr. Suryadev Kaushik, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**  
**03.06.2026**

%

1. By virtue of the present appeal under *Section 19* of the Family Courts Act, 1984, the appellant/ judgment debtor *inter alia* seeks setting aside of the impugned order dated 06.05.2026 passed jointly and collectively in *four cases* being Ex.Crl. 98/2022, Ex.Crl. 99/2022, Ex.Crl. 08/2023 and Ex.Crl. 09/2023 by the learned Family Court, Saket, New Delhi (*learned Family Court*).

2. Though the appellant has raised various grounds, however, learned counsel for the appellant primarily submits that the learned Family Court while passing the impugned order has usurped the jurisdiction of learned Metropolitan Magistrate, Domestic Violence Court/ Mahila Court.

3. After hearing the learned counsel for the appellant at length, since learned counsel for the appellant submits that the appellant is not in a

*MAT.APP.(F.C.) 201/2026*

*Page 1 of 4*



position to pay the due amount of Rs.18,04,537/-, what to talk of making a deposit of 50% of the due amount, however, since learned counsel for the appellant has called upon this Court to adjudicate upon the same in full and final, this Court is proceeding to take up the same on merits.

4. Learned counsel for the respondent has no objection to the same and if called upon, is ready and willing to address his arguments in rebuttal.

5. A perusal of the record reveals that earlier the learned Family Court, *vide* order dated 30.08.2024 had issued an NBW against the appellant. The same was stayed by the Hon'ble Supreme Court in IA No. 203982/2024 filed in SLP(Crl.) Diary No.5628/2023, however, the said SLP was later on dismissed by the Hon'ble Supreme Court *vide* order dated 19.11.2024 recording as under:

*“Heard Learned counsel for the parties.*

*We do not find any ground to interfere with the impugned order as it has been clearly held by the Trial Court that the daughters are entitled for maintenance till the time they are legally entitled to the same.*

*The Special Leave Petition is, accordingly, dismissed.*

*Pending application(s), if any, shall stand disposed of.”*

6. Pursuant thereto, the appellant filed an application seeking disposal of the aforesaid four execution petitions with an undertaking that the appellant only owes a sum of Rs.1.9 Lakhs which he will clear in 6 trenches. The said application came to be dismissed by the learned Family Court by way of the impugned order, holding that a sum of Rs.18,04,537/- is still due against the appellant. In fact, the appellant has been directed to



clear the outstanding amount within a period of *four weeks*, failing which, warrants of arrest will be issued against him. Interestingly, since learned counsel for the appellant has candidly submitted that the appellant is not in a position to clear the dues, he is not asking for more time to comply with directions given *vide* the impugned order.

7. This Court has carefully gone through the impugned order and has not found any reason for interfering with it. In fact, there is/ are no assertions and/ or grounds raised in the present appeal which calls upon this Court to adjudicate upon the same. Moreover, the impugned order passed by the learned Family Court is a well-reasoned and detailed order, with which this Court is in agreement with.

8. On merits also, this Court finds that the learned Family Court has in the impugned order already (rightly) considered the issue raised by the appellant as under:

*“15. A question may arise as to how JD can be expected to pay arrears of maintenance pertaining to DV Act case in these execution petitions which are pertaining to maintenance petition bearing M. No. 108/2012. It is to be noted that it is not even the case of JD that he had made the payments while specifically stating as to whether same were to be adjusted towards arrears of maintenance pertaining to DV Act case or those pertaining to maintenance petition. In such circumstances, Decree Holders are at liberty to adjust the payments to the arrears of maintenance in the sequence in which same became due. The fact that one execution petition preferred by them before Ld. Magistrate vide Ex. Crl. 193/2021 was dismissed vide order dated 13.08.2025 is of no consequence as same shall not diminish the liability of JD in any manner whatsoever.”*

9. By way of the present appeal, the appellant is once again trying to



rake up the very same issues which have been negated by the learned Family Court *vide* the detailed reasoned impugned order under challenge before this Court. Also, *vide* the present appeal, the appellant is somehow trying his best to escape from his liability of paying the maintenance to his daughter. Under the existing circumstances, Alas! this Court cannot come to the aid of the appellant when his own conduct does not call for the same.

10. As such, since there is no reason for this Court to interfere and/ or set aside of the impugned order dated 06.05.2026, the present appeal, alongwith the pending applications, is dismissed.

**SAURABH BANERJEE, J  
(VACATION JUDGE)**

**AMIT SHARMA, J  
(VACATION JUDGE)**

**JUNE 3, 2026/Ab**