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

% *Date of decision: 05th October, 2023*

+ **MAT.APP.(F.C.) 296/2023 & CM APPL. 51458/2023**

SHAILESH RATHORE ..... Appellant

Through: Mr. Kunal Madan, Mr. Rahul Malhotra & Ms. Donika Wahi, Advocates.

versus

VARTIKA CHANNA ..... Respondent

Through: Ms. Tara Narula, Ms. Priya, Mr. Sahil and Mr. Harshvardhan Jain, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T (oral)**

**CM APPLs. 51461/2023, 51462/2023, 51463/2023 (Exemptions)**

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

**CM APPL. 51459/2023 (Condonation of delay)**

3. The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/appellant seeking condonation of 54 days' delay in re-filing the present appeal.

4. For the reasons and grounds stated in the present application, the application is allowed, the delay of 54 days in re-filing the present appeal is hereby condoned.



5. Accordingly, the present application is disposed of.

**CM APPL. 51460/2023 (Condonation of delay)**

6. The present application under Section 151 of the Code of Civil Procedure, 1908 read with Section 5 of the Limitation Act has been filed on behalf of the applicant/appellant seeking condonation of 16 days' delay in filing the present appeal.

7. For the reasons and grounds stated in the present application, the application is allowed, the delay of 16 days in filing the present appeal is hereby condoned.

8. Accordingly, the present application is disposed of.

**MAT.APP.(F.C.) 296/2023**

9. The present appeal under Section 28 of the Hindu Marriage Act, 1955 read with Section 19 of the Family Courts Act has been filed on behalf of the appellant to set aside the Order dated 20.05.2023 passed by the learned Judge, Family Court, Patiala House Courts, Delhi, whereby the Application under Section 24 of the Hindu Marriage Act, 1955 filed on behalf of the respondent/wife was allowed and the appellant/husband was directed to pay Rs. 79,800/- per month from June, 2020 to June, 2022 and Rs. 86,200/- per month from July, 2022 onwards, jointly to the respondent/wife and the daughter for their maintenance, also the aforesaid maintenance be increased by 2.5% every year starting from 01.04.2024.

10. Notice issued.

11. Ms. Tara Narula, learned counsel for the respondent/wife, accepts notice.

12. We have heard learned counsels for the parties and perused the material placed on record.



13. The respondent before the learned Trial Court has admitted to be drawing a salary of Rs. 2,06,000/- per month and the learned Trial Court after taking into consideration credit entries in different account has also taken income of the appellant as Rs. 2,00,000/- per month. The learned Family Court while passing the impugned Order has observed that at the time of filing the application under Section 24 of the Hindu Marriage Act, 1955, the respondent was without any source of income and was fully dependent upon her father for her maintenance and that of her daughter. However, subsequently on 14.07.2022, the respondent got employment with Pradhan Airways and was drawing a salary of Rs. 34,016/- per month.

14. In view of above facts of circumstances, we hereby modify the Order dated 20.05.2023 and reduce the aforesaid maintenance amount to the extent that the appellant/husband is directed to pay Rs. 50,000/- per month to the respondent/wife and the daughter.

15. Accordingly, the present appeal along with pending application is disposed of.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**OCTOBER 05, 2023**  
*S.Sharma*