

(2016) 02 DEL CK 0252
In the Delhi High Court
Case No : MAT. APP.(F.C.) 15 of 2016.

Jasmit Singh Rana

APPELLANT

Vs

Harleen Rana

RESPONDENT

Date of Decision : 09-02-2016

Acts Referred:

Hindu Marriage Act, 1955 — Section 24

Citation : (2016) 5 ADDelhi 91 : (2016) 4 CivCC 227 : (2016) 4 CivilLJ 465 :
(2016) 231 DLT 157 : (2016) 2 DMC 818

Hon'ble Judges : Gita Mittal;I.S. Mehta, JJ.

Bench : Division Bench

Advocate : Manisha Bhandari, Omkar Shrivastava, Advocates, for the Appellant;
Ranjay N., Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Gita Mittal, J (Oral) - Caveat No. 116/2015

1. The Caveator is represented and has been heard. Accordingly, the caveat is discharged.

2. CM No. 4713/2016(Exemption) Exemption allowed subject to all just exceptions. The application stands disposed of.

MAT. APP.(F.C.) 15/2016 and CM Nos. 4711-12/2016

1. At the very outset, it is submitted by learned counsel for the appellant that the appellant does not challenge the impugned order dated 30th November, 2015 passed by the Family Court so far as the quantum of maintenance is concerned and is restricting the appellant's challenge to the direction of the impugned order to pay a sum of maintenance w.e.f the date of filing of the application under Section 24 of the Hindu Marriage Act, 1955. It is submitted that the appellant had filed an affidavit dated 2nd September, 2015 (placed at page No. 30 of the present paper book) wherein the appellant has asserted the details of alleged

payments made by him into the account of Ms. Mehar Rana, daughter of the parties. The appellant has submitted that these payments were for her benefit as well as for the respondent/wife and adjustment of these amounts has not been granted by the learned Judge, Family Court by the impugned order.

2. Learned counsel for the respondent/wife disputes these payments and has contended that the daughter of the parties was a major and these amounts were appropriated by her and were never utilised for the benefit for the wife/respondent.

3. It appears that a petition under Section 24 of the Hindu Marriage Act, 1955 was filed in May, 2014 and the impugned order has been passed on 30th November, 2015 directing the appellant/husband to pay a sum of Rs.1,00,000/- (Rupees One Lacs) per month towards the maintenance of respondent/wife from the date of filing of the application.

4. It is trite that the appellant/husband would be entitled to adjust such amounts as were paid by him during this period towards the maintenance of respondent/wife and no other amounts can be adjusted. There is no material before us which would establish that these amounts were credited to the account of the daughter or that such amounts were in fact for the usage and benefit of the respondent/wife. Additionally, the appellant would have to establish that the respondent/wife had access to the money, the extent thereof and that she actually utilised the same for her maintenance. If the appellant has any such material, he may place the same before the Family Court and seek modification of the order to this limited extent. We are not persuaded to vary the impugned order premised on the plea that the appellant has deposited amounts with the daughter of the parties.

5. We make it clear that the appellant shall be bound to comply with the impugned order passed by the Family Court and pay upto date the arrears as well as the monthly maintenance to the respondent/wife.

6. This appeal and applications are disposed of in the above terms.