

HIGH COURT OF DELHI : NEW DELHI

No. 126/Rules/DHC

Dated : 14.01.2025

CIRCULAR

It is circulated for information of all concerned that Notification No.F.1/43/2024-Judl./Suptlaw/29-35 dated 06.01.2025 pertaining to amendments in Delhi Family Court Rules, 1996 stands published in Delhi Gazette Extraordinary Part IV dated 06.01.2025 by Government of National Capital Territory of Delhi, Department of Law, Justice and Legislative Affairs and is available on the website of this Court namely www.delhihighcourt.nic.in under the link "Notifications and Practice Directions".

Sd/-
(KANWAL JEET ARORA)
REGISTRAR GENERAL

Rules

(TO BE PUBLISHED IN PART-IV OF DELHI GAZETTE EXTRA ORDINARY)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS
8th LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110002

No.F.1/43/2024-Judl./Suptlaw/ 29-35

Dated: 06/01/2025

NOTIFICATION

No.F.1/43/2024-Judl./Suptlaw/ 29-35 In exercise of the powers conferred by sub-section (2) of Section 23 of the Family Courts Act, 1984 (66 of 1984), read with the Government of India, Ministry of Home Affairs Notification No. U-11030/4/85-UTI dated 26th November, 1985, the Lt. Governor of National Capital Territory of Delhi, after consultation with the Hon'ble High Court of Delhi, hereby makes the following rules to further amend the Delhi Family Court Rules, 1996:-

1. Short title and commencement – (1) These rules may be called the Delhi Family Courts (Amendment) Rules, 2024.
(2) They shall come into force with immediate effect.
2. Repeal of existing Rule 17 and Rules 18 in Delhi Family Courts, Rules, 1996: - In the Delhi Family Courts Rules, 1996, the existing Rule 17 and Rule 18 shall stand omitted.
3. Insertion/addition of Chapter-VI & Chapter-VII in Delhi Family Courts, Rules, 1996: - In the Delhi Family Courts Rules, 1996, after existing Rule 16 in Chapter-V, the following Chapters (Chapter-VI & Chapter-VII) shall be inserted: -



CHAPTER- VI

Rule 17: - Protecting the privacy of parties or persons:

- (i) No party shall extract in the pleadings the contents of a document or enclose a copy of the whole or part thereof which is of a sensitive nature viz. containing details of a personal or private nature concerning a party or a person or their conduct, which if disclosed, is likely to affect the right to privacy or cause embarrassment, without the leave of the court.

Explanation: For the purposes of this rule, a document would include any writing, private letters, notings, photographs and documents in electronic form including video clips, text messages, chat details, emails, printed copies thereof, CCTV footage etc.

- (ii) whenever a party applying under (i) above, or where any other party, or the Family Court on its own, comes across a document on record in the case which is prima facie of a sensitive nature, the Family Court shall pass appropriate orders concerning the said documents including providing copies thereof to the parties, preserving the originals or copies as the case may be in a sealed cover, de-sealing for being produced during court proceedings and re-sealing after the purpose for which they were directed to be produced is over.
- (iii) The Family Court shall also bind down by a specific direction, the parties and their respective lawyers and the court staff regarding the making of copies, use, preservation and dissemination of such document with a view to maintaining its confidentiality.
- (iv) The Family Court shall also pass necessary directions to specify the conditions upon which access would be permitted to such document by third parties.
- (v) The Family Court shall endeavour to decide on the issues at (i), (ii), (iii) and (iv) above, without unnecessary delay in accordance with law.

- (vi) The Family Court shall at all times keep in view the requirements of protecting the rights to privacy and dignity of the parties and persons and may suitably modify and adapt/ apply these rules to a given situation.
- (vii) The Family Court shall as far as possible and practicable hold the proceedings in camera.
- (viii) The Family Court shall in all matrimonial disputes and guardianship disputes efface the names of the parties in the cause list and in other parts of the judgment as and when they are uploaded on the website of the court or made available otherwise. The same shall be replaced by the first character of the spelling of their names.

CHAPTER- VII

18 Affidavit of assets, income and expenditure in all matrimonial cases:

All pleadings including petitions under Sections 9 to 13 of the Hindu Marriage Act and the written statements shall be accompanied with an affidavit of assets, income and expenditure in the format provided in Annexure-A besides being accompanied by relevant documents mentioned therein.

19 Interpretation:

If any question arises relating to interpretation of these Rules, it shall be decided by the State Government in consultation with the High Court.

20 Repeal:

The Delhi Family Court Rules, 1992 notified vide this Government's Notification No. F.6/141/84-Judl. dated the 9th March, 1992 are hereby repealed.

4. Insertion of 'Annexure-A' in the Rules after existing 'SCHEDULE': The following 'Annexure-A' specified in Rule 18 be added after existing 'SCHEDULE', namely: -

Annexure-A'

Affidavit of Assets and Liabilities for Non-Agrarian Deponents

I _____, d/o _____ or s/o _____, aged about _____ years, resident of _____, do hereby solemnly affirm and declare as under:

A. Personal Information

1. Name:
2. Age/Sex:
3. Qualifications (Educational and Professional):
4. Whether the Applicant is staying in the matrimonial house / parental home / separate residence. Please provide the current residential address of matrimonial home or place of residence and details of ownership of the residence, if owned by other family members.
5. Date of marriage:
6. Date of separation:
7. General monthly expenses of the Applicant (rent, household expenses, medical bills, transportation, etc.):

B. Details of Legal Proceedings and Maintenance being paid

1. Particulars of any ongoing or past legal proceedings with respect to maintenance or child support between the Applicant and Non-Applicant.
2. Whether any maintenance has been awarded in any proceeding arising under the D.V. Act, Cr.P.C., HMA, HAMA, etc.? If yes, provide details of the quantum of maintenance awarded in the proceedings.
3. If so, provide particulars thereof, along with a copy of the Order/s passed.
4. Whether the Order of maintenance passed in earlier proceedings has been complied with. If not, arrears of maintenance.
5. Whether any voluntary contribution towards maintenance has been made/ will be made in the future? If yes, provide details of the same.

C. Details of dependant family members

1. Details of Dependant family members, if any.
 - a. Relationship with dependants:
 - b. Age and sex of dependant/s:
2. Disclose if any independent source/s of income of the dependants, including interest income, assets, pension, the tax liability on any such income and any other relevant details.
3. The approximate expenses incurred on account of the dependant.

D. Medical details if any, of the Deponent and/or dependant family members

1. Whether either party or child /children is suffering from any physical/mental disability or any other serious ailment. If yes, produce medical records.
2. Whether any dependant family member has a serious disability, requiring continuous medical expenditure. If yes, produce disability certificate and approximate medical expenditure incurred on such medical treatment.
3. Whether either party or child/children or any other dependent family member is suffering from life-threatening diseases, which would entail expensive and regular medical expenditure? If yes, provide details of the same along with the summary of previous details of hospitalization /medical expenses incurred.

E. Details of Children of the parties

1. Number of children from the existing marriage / marital relationship/ previous marriage
2. Name and age of children
3. Details of the parent who has the custody of the children.
4. Expenditure for maintenance of dependent children.
 - a. Towards food, clothing and medical expenses
 - b. Towards expenses for education, and a summary of general expenses
 - c. Towards expenses, if any, of any extra educational, vocational or professional/educational course, specialized training or special skills programme of dependent children.
 - d. Details of any loan, mortgage, charge incurred or instalment plan (being paid or payable), if any, on account of any educational expenses of children.

5. Whether any voluntary contribution by either of the parties is being made towards these educational expenses. If yes, provide details of the same. Also, provide an estimate of any additional contribution that may be required.
6. Whether any financial support is being provided by a third party for the educational expenses of the children?

F. Details of Income of the Deponent

1. Name of employer:
2. Designation:
3. Monthly income:
4. If engaged in Government Service, furnish latest Salary Certificates or current Pay Slips or proof of deposit in the bank account, if being remitted directly by the employer.
5. If engaged in the private sector, furnish a certificate provided by the employer stating the designation and gross monthly income of such person, and Form 16 for the relevant period of current employment.
6. If any perquisites, benefits, house rent allowance, travel allowance, dearness allowance or any other service benefit is being provided by the employer during the course of current employment.
7. Whether assessed to income tax?
If yes, submit copies of the Income Tax Returns for the periods given below:
 - (i) One year prior to marriage
 - (ii) One year prior to separation
 - (iii) At the time when the Application for maintenance is filed
8. Income from other sources, such as rent, interest, shares, dividends, capital gains, FDRs, Post office deposits, mutual funds, stocks, debentures, agriculture, or business, if any, along with TDS in respect of any such income.
9. Furnish copies of Bank Statement of all accounts for the last 3 years.

G. Assets (movable and immovable) owned by the Deponent

1. The self-acquired property, if any:
2. Properties jointly owned by the parties after marriage:
3. Share in any ancestral property:

4. Other joint properties of the parties (accounts/ investments/ FDR/ mutual funds, stocks, debentures etc.), their value and status of possession:
5. Status of possession of immovable property and details of rent, if leased:
6. Details of loans taken or given by the Deponent
7. Brief description of jewellery and ornaments of parties acquired during /after marriage
8. Details of transfer deeds or transactions of alienation of properties previously owned by the applicant, executed during the subsistence of the marriage. Also provide brief reasons for such sale or transaction, if any.

H. Details of Liabilities of the Deponent

1. Loans, liabilities, mortgage, or charge outstanding against the Deponent, if any.
2. Details of any EMIs being paid.
3. Date and purpose of taking loan or incurring any such liability:
4. The actual amount borrowed if any, and the amount paid upto date of filing the Affidavit:
5. Any other information which would be relevant to describe current liabilities of the Deponent.

I. Self-employed persons / Professionals / Business Persons / Entrepreneur

1. Brief description of the nature of business/profession/vocation/self-employed/work activity.
2. Whether the business/profession/ self-employment is carried on as an individual, sole proprietorship concern, partnership concern, LLP, company or association of persons, HUF, joint family business or any other form? Give particulars of Applicant's share in the partnership/business/professional association/self-employment. In case of a partnership, specify the share in the profit/losses of the partnership.
3. Net Income from the business/profession/ partnership/self-employment.
4. Business/partnership/self-employment liabilities, if any, in case of such activity.
5. In the case of business of the company, provide brief details of the last audited balance sheet to indicate profit and loss of the company in which such party is in business in the company.
6. In case of a partnership firm, provide details of the filings of the last Income Tax Return of partnership.
7. In case of a self-employed individual, provide the filings of the last Income Tax Return from any such professional/business/vocational activity.

J. Information provided by the Deponent with respect to the income, assets and liabilities of the other Spouse

1. Educational and professional qualifications of the other spouse:
2. Whether the spouse is earning? If so, give particulars of the occupation and income of the spouse.
3. If not, whether he/she is staying in his/her own accommodation, or in rented accommodation or in accommodation provided by employer/business/partnership?
4. Particulars of assets and liabilities of the spouse as known to the deponent, along with any supporting documents.

K. Details of Applicant or the other Spouse, in case parties are Non-Resident Indians, Overseas Citizens of India, Foreign Nationals or Persons living abroad outside India.

1. Details of Citizenship, Nationality and current place of residence, if the Applicant or other spouse is residing abroad outside India, temporarily or permanently.
2. Details of current employment and latest income in foreign currency of such applicant/spouse, duly supported by relevant documentation of employment and income from such foreign employer or overseas institution by way of employment letter or testimonial from foreign employer or overseas institution or latest relevant bank statement.
3. Details of household and other expenditure of such applicant/spouse in foreign jurisdiction.
4. Details of tax liability of applicant/other spouse in the foreign jurisdiction.
5. Details of income of applicant/other spouse from other sources in India/foreign jurisdiction.
6. Details of expenses incurred or contribution made on account of spousal maintenance, child support or any other educational expenses, medical treatment of spouse or children.
7. Any other relevant detail of expenses or liabilities, not covered under any of the above headings and any other liabilities to any other dependant family members in India or abroad.

Declaration

1. I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.
2. I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.
3. I understand that any false statement in this affidavit, apart from being contempt of Court, may also constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment upto seven years and fine, and Section 209 of Indian Penal Code punishable with imprisonment upto two years and fine. I have read and understood Sections 191, 193, 199 and 209 of the Indian Penal Code, 1860.

DEPONENT

Verification

Verified at _____ on this _____ day of _____ that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom, whereas the contents of the above affidavit relating to the assets, income and expenditure of my spouse are based on information believed to be true on the basis of record. I further verify that the copies of the documents filed along with the affidavit are the copies of the originals.

DEPONENT

Details for Affidavit for Agrarian Deponents (Krishi)

1. Total extent of the rural land/s owned, or the specific share holding in the same land:
2. Jamabandis / Mutations to show ownership:
3. Location of the land owned by the party:
4. Nature of land: whether wet land or dry land.
5. Whether such land is agricultural land or non-agricultural land:
6. Nature of agriculture / horticulture:
7. Nature of crops cultivated during the year:
8. If rural land is not cultivable, whether the same is being used for business, leasing or other activity:

9. Income generated during the past 3 years from the land:
10. Whether any land is taken on lease /battai (or any other term used for a lease in the local area of the concerned jurisdiction where rural /agricultural land is located.)

11. (a) Whether owner of any livestock, such as buffaloes, cows, goats, cattle, poultry, fishery, bee keeping, piggery etc., the number thereof and Income generated therefrom?

(b) Whether engaged in dairy farming, poultry, fish farming or any other livestock activity.

12. Loans, if any obtained against the land. Furnish details of such loans.
13. Any other sources of income:
14. Liabilities, if any
15. Any other relevant information:

Declaration

1. I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.
2. I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.
3. I understand that any false statement in this affidavit, apart from being contempt of Court, may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment upto seven years and fine, and Section 209 of Indian Penal Code punishable with imprisonment upto two years and fine. I have read and understood Sections 191, 193, 199, and 209 of the Indian Penal Code, 1860.

DEPONENT

Verification

Verified at _____ on this _____ day of _____ that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom. I further verify that the copies of the documents filed along with the affidavit are the copies of the originals.

DEPONENT

By Order and in the Name of the
Lt. Governor of National Capital Territory of Delhi



(Reetesh Singh)
Pr. Secretary (Law, Justice & L.A)

No.F.1/43/2024-Judl./Suptlaw/ 29 - 35

Dated 06/01/2025

Copy forwarded for information and necessary action to:-

1. The Secretary, Government of India, Ministry of Law & Justice, Department of Justice, Jaisalmer House, New Delhi.
2. The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
3. The Registrar General, High Court of Delhi, New Delhi.
4. The Principal District & Sessions Judge, Tis Hazari Court (HQ), Delhi-110054.
5. The Principal Judge, Family Courts (HQ), Sector-10, Dwarka, New Delhi-110075.
6. The Special Secretary (GAD/Coord.), Govt. of NCT of Delhi (in duplicate along with Hindi version of the same) for publication in Delhi Gazette (Extra-Ordinary Part-IV). It is requested that five copies of the Gazette may kindly be sent to this department for official record.
7. Guard file.



(Reetesh Singh)
Pr. Secretary (Law, Justice & L.A)