



2025:DHC:7753-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 29.08.2025**

+ MAT.APP.(F.C.) 186/2019, CM APPL. 33870/2024, CM APPL. 56493/2024 &amp; CM APPL. 56802/2024

SAPNA GIYA

.....Appellant

Through: Ms. Payal Chawla, Adv. with  
Appellant in person

versus

DEEPAK GIYA

.....Respondent

Through: Mr. Sanjeev Sahay, Adv.

**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN  
SHANKAR**

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**JUDGEMENT (ORAL)****ANIL KSHETARPAL, J.**

1. Through the present Appeal, the Appellant (Respondent's wife) prays for setting aside the Order dated 10.04.2019, passed by the learned Additional Principal Judge, West District, Family Courts, Tis Hazari, Delhi, while declining to grant her maintenance *pendente lite*, but granted Rs. 25,000/- per month for the minor child, who was of 09 years (approx.) of age on the date of the said order.

2. The parties were married in the year 2009. Prior to marriage, the Appellant worked for merely three and a half years. Further, she migrated to Singapore, where she worked for some time. However, she did not work after giving birth to the daughter in the year 2011.



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Merely, after four months of the birth of the child, she returned to India. The Respondent at the relevant time was working in Singapore earning in Singapore Dollars, which is equivalent to Rs. 10 lakhs per month (approx.).

3. In the impugned order, the Family Court has concluded that the Appellant is not entitled to maintenance because she does not want to work. The Family Court has further held that the Appellant is a Post Graduate Diploma holder in Business Administration and capable of working, hence she is not entitled to maintenance.

4. Such conclusion drawn by the Court is not correct, particularly when the Appellant was taking care of the daughter and there is no material to show that after returning from Singapore, she had opportunity to work but declined. The role of the mother of a newly born child is significantly important because the child needs love, care and constant supervision on the part of one of the parent. The Appellant took care of child single-handedly.

5. In such circumstances, the Order passed by the Family Court while declining Appellant's prayer for grant of maintenance *pendente lite*, is not correct.

6. Learned counsel representing the Respondent submits that the Appellant while filing application concealed that she worked before and after her marriage. He submits that the Appellant sought maintenance only after her husband filed Petition under Section 13 of the Hindu Marriage Act, 1955 [*hereinafter referred to as 'HMA'*].

7. This Court has considered the submissions. The Appellant may have worked before her marriage in the year 2009 and for some time in Singapore, however, as already noticed above, there is no material



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to prove that the Appellant refused to work despite opportunity or she resigned from the job though she was getting a good salary. In absence thereof, the Appellant should not have been denied the maintenance. Likewise, the submission that the Appellant filed application only after the Respondent filed Petition seeking divorce, cannot be a valid ground to deny maintenance, particularly in view of the fact that application under Section 24 of the HMA, is maintainable during the pendency of the Petition.

8. Keeping in view the fact that the Respondent at that point of time was earning Rs. 10 lakhs per month (approx.), this Court deems it appropriate to direct the Respondent to pay maintenance *pendente lite* @ Rs. 2 lakhs per month for both the Appellant and the child. The maintenance amount shall be payable from the date of application.

9. The present Appeal, along with pending applications, is disposed of in the above terms.

**ANIL KSHETARPAL, J.**

**HARISH VAIDYANATHAN SHANKAR, J.**  
**AUGUST 29, 2025/sp/sh**