



§~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Decision delivered on: 31.05.2024*+ **MAT.APP.(F.C.) 178/2024, CAV 253/2024 & CM Nos.31585-87/2024**

SIDDHARTH GUJRAL

..... Appellant

Through: Mr Prashant Mendiratta, Ms
Somyashree and Mr Sanchit Saini,
Adv.

versus

NATASHA GUJRAL

..... Respondent

Through: Mr Nitin Saluja, Adv.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL**

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):**CAV 253/2024**

1. Since learned counsel for the caveator/respondent has entered appearance, the caveat stands discharged.

CM No.31586/2024

2. Allowed, subject to just exceptions.

3. The application is, accordingly, disposed of.

MAT.APP.(F.C.) 178/2024, CM No.31585/2024 [*Application filed on behalf of the appellant seeking interim relief*] **CM No.31587/2024** [*Application filed on behalf of the appellant seeking condonation of delay*]



of 34 days in filing the appeal]

4. This appeal has been filed against the order dated 17.02.2024 passed by Mr Kuldeep Narayan, Judge, Family Court-02, South-East, Saket Courts, New Delhi.

5. Although we have doubts about the maintainability of the appeal filed under Section 19 of the Family Courts Act, 1984 given the fact that the impugned order is an order which merely progresses the proceedings, we have heard Mr Prashant Mendiratta, who appears on behalf of the appellant, with regard to the merits of the case.

6. A perusal of the impugned order would show that the Family Court has dealt with two applications, one of which was filed by the appellant/husband, while the other was filed by the respondent/wife.

7. Insofar as the application that was preferred by the respondent/wife under Order XI Rules 12 and 14 of the Code of Civil Procedure, 1908 [in short, "CPC"] is concerned, the same was closed as the explanations furnished by learned counsel for the appellant/husband were considered sufficient.

7.1 In other words, discovery of documents, as sought by the respondent/wife, was not ordered.

8. Likewise, insofar as the appellant's/husband's application for production of documents in terms of the judgment of the Supreme Court rendered in *Rajnish v. Neha*, 2020 SCC OnLine SC 903 was concerned, the explanations given by the respondent/wife were examined and the application was closed. It is against this direction that the instant appeal has been instituted.

9. In support of the appeal, Mr Mendiratta says that there were three



aspects that the appellant/husband had brought to the fore before the Family Court, which were erroneously not given due weight.

9.1 First, the respondent/wife had not disclosed that she was employed and was earning emoluments.

9.2 Second, the respondent/wife had not disclosed the existence of the bank account maintained by her with Canara Bank, Chandni Chowk Branch, New Delhi.

9.3 Third, the respondent/wife failed to disclose details about a joint bank account maintained by her with her mother with Axis Bank.

10. It was submitted that the respondent/wife, who was earning emoluments from her engagement with one Ms Benita Bhatia, was depositing monies in the joint bank account maintained with her mother in Axis Bank and had used the funds credited therein, including monies received from Ms Benita Bhatia, to make investments in DLF Home Project.

11. Notably, as far as the aforesaid aspects were concerned, the learned Family Court Judge accepted the explanations furnished by the respondent/wife.

11.1 Insofar as the first aspect is concerned, based on the internship certificate submitted by the respondent/wife, the Family Court concluded that the respondent/wife is not employed with Ms Benita Bhatia but instead, was working as an intern and was paid Rs.20,000/- towards reimbursement of expenses incurred on travel, internet, food and other miscellaneous items.

12. As regards the bank account maintained with Canara Bank was concerned, the learned Family Court noted that the respondent/wife had disclosed in her income affidavit that she had created a fixed deposit, and the annual interest, amounting to (approximately) Rs.3,00,000/- earned



therefrom was credited to the said account.

13. It was also observed by the Family Court that the said fixed deposit was created by the parents of the respondent/wife, *albeit*, prior to her marriage with the appellant/husband, and that the fixed deposit had matured on 24.06.2023.

14. The explanation offered by the respondent/wife that, given the disclosure made about the fixed deposit and the interest earned on it, it was natural to assume the existence of the bank account and therefore, need not be specifically adverted to, was accepted by the Family Court.

15. Likewise, insofar as the Axis Bank account was concerned, the Family Court noted that it was a joint account held by the respondents/wife with her mother and, therefore, the details with regard to the same were not necessarily required to be disclosed in the respondent's/wife's income affidavit.

16. Having perused the record and examined the explanations given by the respondent/wife, we tend to agree with the conclusion and the reasoning adopted by the Family Court.

17. The respondent/wife evidently, worked as an intern with Ms Benita Bhatia. Concededly, the internship certificate which establishes this fact is available on record.

17.1 Although Mr Mendiratta contends that the internship certificate was filed after the appellant/husband had moved the above-mentioned application, in our view, nothing turns on it as the respondent/wife, perhaps, took the right call. Had the respondent's/wife's relationship with Ms Benita Bhatia been that of employee and employer, she would have had to certainly disclose the same. The money received from Ms Benita Bhatia was towards



reimbursement of expenses and not income requiring disclosure by the respondent/wife.

18. Similarly, the explanation given by the respondent/wife with regard to bank accounts, in our opinion, has been rightly accepted by the Family Court.

19. Therefore, we find no reason to interfere with the impugned order.

20. The appeal is, accordingly, dismissed with cost of Rs.20,000/-. Cost has been imposed as the respondent/wife had to engage a lawyer to defend the appeal. Cost will be paid to the respondent/wife within the next two (02) weeks.

21. Consequently, the pending application shall stand closed.

22. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 31, 2024

aj