

# Amanpreet Singh Malhotra vs Gagandeep Kaur Malhotra on 4 April, 2025

**Author: Navin Chawla**

**Bench: Navin Chawla**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.04.2

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MAT.APP.(F.C.) 394/2024  
AMANPREET SINGH MALHOTRA

.....Appel

Through: Mr.Dipesh Sharma & Mr.Susha  
Singhal, Advs. alongwith th  
appellant in person.

versus

GAGANDEEP KAUR MALHOTRA

.....Responden

Through: Mr. Raman Kapur, Sr. Adv.  
with Mr. Kunal Sharma, Mr.  
Himanshu Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. For the reasons stated in the application, the delay of 33 days in filing the appeal is condoned.

2. The application stands disposed of.

MAT.APP.(F.C.) 394/2024 AND CM APPL. 69828/2024

3. This appeal has been filed challenging the Order dated 20.09.2024 passed by the learned Judge, Family Court-01, West District, Tis Hazari Court, Delhi (hereinafter referred to as, 'Family Court') in HMA No. 940/2020 titled Amanpreet Singh Malhotra v. Gagandeep Kaur Malhotra, disposing of two applications filed by the respondent herein under Section 26 of the Hindu Marriage Act, 1955, by directing the appellant to pay the entire school fees of the twin girl children at the rate of Rs. 1 Lakh per month, for each child, from the date of the application till the month of March, 2024, with the payment already made being adjusted, and further directing that a sum of Rs. 35,000/- per month be paid for the children's miscellaneous expenses from April, 2024 till the final disposal of the divorce petition that is pending between the parties, or till the daughters are legally entitled to receive the same, whichever is earlier. The arrears of payment have been directed to be cleared within two months from the passing of the Impugned Order.

4. The parties herein have been blessed with twin girl children, who are now aged around 18 years.

5. The learned counsel for the appellant submits that the respondent, even as per her own income affidavit, was earning handsomely and, therefore, is required to equally share the burden of education and other expenses of their children. He further submits that the learned Family Court has erroneously directed a lump sum payment of Rs. 1 lakh per month for each child towards school fee of the children, to be paid entirely by the appellant to the respondent, without appreciating the fact that the school fee keeps varying for each academic year and may not be of the amount that has been directed to be paid by the learned Family Court.

6. As far as the submission of the learned counsel for the appellant that the school fee may vary for each academic year is concerned, the learned senior counsel appearing for the respondent fairly submits that the appellant may produce the proof of the fee that has to be paid for the period from the year 2021, when the above applications were filed by the respondent, till the month of March, 2024. He further submits that upon showing the proof of fee payable and the amount already paid by the appellant towards school fee of the children, the balance amount be paid by the appellant to the respondent in discharge of the impugned order.

7. Keeping in view the above submission, it is directed that the appellant shall, within four weeks, submit to the respondent and also the learned Family Court, the school fee that was payable for the children from the date of the filing of the above applications and till the month of March, 2024. The appellant shall also submit to the respondent and file proof of payment, if any, made by him towards the school fee of the children before the learned Family Court. He shall pay the balance school fee, if any, to the respondent within four weeks from today. The parties are bound by the above statements and submissions.

8. Coming back to the plea of the appellant that the respondent, being an earning parent herself, should also bear the expenses for the maintenance of their children, though in law there can be no dispute to the submission, however, on the facts of the present case, it may not come to the aid of the appellant.

9. In the present case, the learned Family Court has directed the appellant only with the payment of school fees till the month of March, 2024. We observe that apart from the school fees, there would be various other expenses incurred on the maintenance of the children, including their books, stationery, school dress, clothing, food, etc., all of which have to be borne by the respondent. The learned Family Court has, therefore, not placed the entire burden of maintenance of the children on the appellant alone.

10. Regarding the submission of the learned counsel for the appellant that apart from the school fee, the appellant is also paying other expenses like the electricity bill, the IGL gas pipeline bill, the vehicle insurance, and other such expenses, we again find that bearing these expenses also cannot add up to the expenses that would be required for the maintenance of the two girl children, who were aged around 15 to 18 years, that is, the period covered by the application.

11. Therefore, we find no infirmity with the directions of the learned Family Court, wherein the appellant has been burdened only with the payment of school fees for the period up to the month of

March, 2024, while the respondent has been burdened with other expenses towards the maintenance of the girl children.

12. Coming to the period after the month of March 2024, as the twin girl children are now aged around 18 years, the Court can take judicial notice of the expenses that would have to be borne for the maintenance of the girl children. Keeping in view the social status of the parties herein, we observe that the parties clearly belong to the upper strata of the society. In fact, we are surprised that the learned Family Court has not taken into consideration the expenses of the two girl children towards their further studies that they may have to undertake and would definitely be undertaking post their schooling.

13. In view of the same, we find that the maintenance amount for the girl children certainly cannot be only Rs. 35,000/- per month, jointly. In fact, in our opinion, the learned Family Court has been rather conservative in granting the said maintenance amount to the respondent.

14. We, therefore, find no merit in the present appeal.

15. The appeal along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 4, 2025 p/ab/sm/SJ Click here to check corrigendum, if any