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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.)118 /2015**

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Judgment dated 16th September, 2015

MANOJ

..... Appellant

Through : Ms. Chandrani Prasad with Ms. Mitali,
Advocates for the appellant along with
appellant in person

versus

SARITA DEVI

..... Respondent

Through :

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL.19815/2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. The appellant is aggrieved by the order dated 28.07.2015 passed by the Family Courts on an application filed by the respondent for maintenance *pendente lite*. The Family Courts has awarded Rs.3,000/- for the wife, respondent herein and Rs.1,000/- each to the three children.
4. Counsel for the appellant submits that the order was passed in the absence of both the counsel as on account of a strike call given by the Bar Association, the lawyers were abstaining from work. She submits that serious prejudice would be caused to the rights of the appellant as the learned Family Court has failed to take into consideration that three minor children are in the custody of the appellant, they are residing with the appellant and he is taking care of all their needs. She further submits that

the respondent is in illegal occupation of the room and she is also receiving rent from another room @ Rs.1700/-, per month. Both the rooms form part of the house, which belongs to the mother of the appellant. But, these facts could not be brought to the notice of the Family Court at the time of hearing. Counsel further contends that the appellant is only a daily wager and earning Rs.350/- per day and approximately Rs.5,000/- to 7,000/- per month, which fact was also not taken into consideration while passing the impugned order.

5. At this stage, the learned counsel for the appellant submits that she would seek review of the order dated 28.07.2015. Taking into consideration the aforesaid submissions, we grant leave to the appellant to file a review within a period of 10 days from today. The Trial Court will take a lenient view as far as the plea of limitation is concerned.
6. With these directions, the appeal is disposed of.
7. Counsel for the appellant submits that the appellant is willing for an amicable resolution of the matter. In case a request is made for appointment of a mediator, the Family Courts will consider the request.
8. Petition stands disposed of in above terms.

CM.APPL 19814/2015(stay)

9. Since the present appeal has been disposed of, the application also stands disposed of.
10. Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 16, 2015 pst