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

+ **MAT.APP.(F.C.) 142/2016**

HARI RAM

..... Appellant

Represented by: **Mr.Mahipal Singh, Advocate**

versus

SEEMA

..... Respondent

Represented by: **None**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.10.2016

CM No.36595/2016

1. For the reasons stated in the application 96 days delay in re-filing the appeal is condoned.
2. The application is disposed of.

CM No.36593/2016

Allowed subject to all just exceptions.

MAT.APP.(F.C.) 142/2016, CM Nos.36592/2016 & 36594/2016

1. There is 99 days delay in filing the appeal, condonation whereof has been prayed in CM No.36594/2016.
2. The appellant challenges an order passed under Section 24 of the Hindu Marriage Act, 1955. The order accepts respondent's version that she is not earning a penny. Keeping in view the fact that the appellant is carrying on retail business from a shop the learned Judge has opined that monthly net income would not be less than ₹10,000/- and has granted interim

maintenance to the wife in the sum of ₹5,000/- per month.

3. In the appeal all kinds of pleadings concerning matrimonial dispute have been urged overlooking that in the proceedings under Section 24 of the Hindu Marriage Act, 1955 it is not the concern of the Court as to who is responsible for the matrimonial discord. The focus is to see life style of the parties when the matrimonial bond was happy and keeping in view the income of the parties securing such monthly payment to a spouse as would enable the spouse to maintain a life style which was being maintained before the discord surfaced.

4. Faced as aforesaid learned counsel for the appellant seeks leave to withdraw the appeal stating that a focused appeal would be filed by the appellant.

5. Granting liberty to the appellant to file a focused appeal laying a challenge to the impugned order instant appeal as also pending civil miscellaneous applications are dismissed as not pressed.

6. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 04, 2016

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