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

+ **MAT.APP.(F.C.) 174/2016**

MANOJ KUMAR

..... Appellant

Represented by: Mr.Suresh Kumar Krilvanshi,
Advocate

versus

VIBHA KUMARI

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **25.11.2016**

CM No.43738/2016

Allowed subject to just exceptions.

CM Nos.43736-37/2016

1. For the reasons mentioned in the two applications 19 days delay in filing the appeal and 14 days delay in re-filing the appeal is condoned.

2. The two applications are disposed of.

Mat.A.(F.C.) No.174/2016

1. Impugned order adjourns sine die HMA No.591/2014 on account of the appellant statedly not paying maintenance awarded to the respondent as per the order dated October 23, 2015.

2. Learned counsel for the appellant states that the appellant has complied with the order directing maintenance to be paid and says that the

learned Judge Family Court is overlooking the fact that the order dated October 23, 2015 does not indicate the date wherefrom maintenance had to be paid.

3. Impugned order notes said fact and therefore clarifies that interim maintenance would have to be paid with effect from the date when the application was filed that is August 08, 2014 and not when the order dated October 23, 2015 was passed.

4. On this aspect of the matter we find no infirmity in the impugned order. We note that the order fixing maintenance has not been challenged by the appellant. The appellant would be advised to clear the arrears of maintenance with effect from August 08, 2014 and, thereby facilitating hearing of HMA No.591/2014.

5. The appeal is dismissed.

PRADEEP NANDRAJOG, J.

YOGESH KHANNA, J.

NOVEMBER 25, 2016

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