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

+ **MAT.APP.(F.C.) 75/2016**

UTTAM KUMAR

..... Appellant

Represented by: Mr.P.S.Singh, Adv.

versus

SWATI

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
07.03.2017

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1. It appears that the respondent is no longer interested in prosecuting her case. She was the petitioner in HMA No.314/2015. She sought dissolution of the marriage on ground of cruelty. She did not prosecute the petition which was dismissed for default on November 18, 2016.

2. Even in the present proceedings the respondent is not appearing.

3. As per the appellant the respondent has migrated to Australia.

4. Vide impugned order dated February 04, 2016 maintenance under Section 24 of the Hindu Marriage Act 1955 has been awarded to the respondent in sum of ₹ 20,000/- and litigation expenses in sum of ₹ 15,000/-

has been granted. Date wherefrom maintenance has to be paid is May 16, 2015.

5. With the dismissal of the petition seeking divorce filed by the respondent on November 18, 2016, the impugned order would co-terminate on said date if the order is affirmed.

6. Having perused the impugned order we find no reasons given by the learned Judge, Family Court to award monthly maintenance in sum of ₹20,000/- to the respondent.

7. There is no discussion regarding income of the appellant. Noting that the respondent was earlier earning well by running a coaching centre, the learned Judge, Family Court has overlooked the fact that thereafter the respondent got employment with Biscomaun State Co-operative Society.

8. Under the circumstances we allow the appeal and set aside the impugned order dated February 04, 2016.

9. No costs.

CM No.18723/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

MARCH 07, 2017
VLD