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

+ MAT.APP.(F.C.) 101/2017 & CM 26521/2017 and 21068/2017

AMIT KUMAR

..... Appellant

Through : Ms. Prabha Sharma, proxy counsel for
Mr. Manoj Kumar, Advocate

versus

GEETA SAGAR

..... Respondent

Through : None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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28.07.2017

1. The appellant/husband is aggrieved by the order dated 22.2.2017 passed by the learned Family Courts, Saket, Delhi disposing of an application filed by the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 praying inter alia, for maintenance for herself and the two years' old minor daughter, who is in her custody. Under the impugned order, the appellant/husband has been directed to pay a sum of Rs.10,000/- p.m. towards *pendente lite* maintenance to the respondent w.e.f. 25.11.2016.

2. Counsel for the appellant states that from April, 2017 onwards, the appellant has been paying a sum of Rs.12,500/- p.m. as maintenance to the respondent/wife in terms of para 7 of the impugned order, as she has vacated the government accommodation allotted to the petitioner's father and moved back with her parents. She submits that though some documents were furnished by the appellant to his counsel for being placed on record before

the Family Court to demonstrate that he had obtained a loan of Rs.3.00 lacs from Safdarjung Hospital Thrift and Credit Society in the month of October, 2016 for the marriage celebrations of his sister that took place in April, 2017, and he has been paying back the said loan @Rs.10,000/- p.m. ever since November, 2016, all these facts were not brought out before the Family Court.

3. For learned counsel for the appellant to state that the aforesaid documents be permitted to be taken on record now and the impugned order be set aside, is unacceptable. We are not inclined to entertain the present appeal as there does not appear any infirmity in the impugned order that has been passed on the basis of the documents filed by the parties. However, liberty is granted to the appellant to approach the learned Family Court for seeking modification of the impugned order by filing the relevant documents on which reliance is sought to be placed before us.

4. The appeal is disposed of, along with the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 28, 2017
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