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

+ MAT.APP.(F.C.) 134/2016 & CM Nos.33015/2016, 33017/2016

MANISH JINDAL

..... Appellant

Represented by: Ms.Monika Arora, Ms.Amrita
Sharma and Mr.Kushal Kumar,
Adv.

versus

DIVYA JINDAL

..... Respondent

Represented by: Mr.Vinod Kumar, Adv.

+ MAT.APP.(F.C.) 190/2016 & CM No.45988/2016

DIVYA JINDAL

..... Appellant

Represented by: Mr.Vinod Kumar, Adv.

versus

MANISH JINDAL

..... Respondent

Represented by: Ms.Monika Arora, Ms.Amrita
Sharma and Mr.Kushal Kumar,
Adv.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

19.01.2017

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CM No. 33017/2016 in MAT.APP.(F.C.) 134/2016

For the reasons mentioned in the applications 59 days' delay in filing the appeal is condoned.

CM No.45988/2016 in MAT.APP.(F.C.) 190/2016

For the reasons mentioned in the applications 142 days' delay in filing the appeal is condoned.

MAT.APP.(F.C.) 134/2016 & CM No.33015/2016

MAT.APP.(F.C.) 190/2016

1. Impugned order is extremely cryptic after noting the case law, akin to pulling a rabbit out of the hat, ₹35,000/- per month has been awarded as maintenance to the wife.
2. The wife as also the husband are aggrieved by the impugned order. This explains the two appeals before us.
3. From the document placed on record before the Family Court we find that the learned Judge, Family Court has considered none. The learned Judge has not considered the premiums paid by the husband for the LIC policies. The impugned order has not considered the bank statement of account of the respondent concerning his business wherefrom the revenue receipts can be culled out. The learned Judge, Family Court has failed to draw the inference from the electricity consumed at the factory for the purposes of estimating the quantity of electric wires manufactured by the husband. The learned Judge has not considered the economic status when the parties were together with reference to the expenses incurred on the education of the child, which

could throw light on the family income. The learned Judge has not dealt with the case projected by the wife concerning husband being member of Fit Line Gym and Jackas Unisex Salon. The learned Judge, Family Court has not made any reference to the detailed affidavits filed by the parties as per guidelines framed by this Court.

4. Faced as aforesaid learned counsel for the parties pray that the impugned order may be set aside without this Court making any observations qua the financial status of the parties and as a consequence restore application filed by the wife under Section 24 of the Hindu Marriage Act, 1955 with a direction to the learned Judge, Family Court to re-decide the same within three months from today and while doing so consider the documents placed by the parties as also their respective affidavits.

5. Accordingly with consent of the parties we dispose of the two appeals setting aside the impugned order dated June 02, 2016, and restore the application filed by the wife under Section 24 of the Hindu Marriage Act, 1955. The same shall be rendered within 3 months from date of receipt of this order by the learned Judge.

6. With further consent of the husband we direct that he shall pay to the wife ₹ 10,000/- per month directed by the order dated September 09, 2016 passed in MAT.APP.(FC) No.134/2016. Needless to state this amount shall be adjusted when the final order is passed.

7. No costs.

8. Dasti.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

JANUARY 19, 2017/VLD

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