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

+ CM(M) 31/2018 & CM No.768/2018, 769/2018 & 770/2018

D Petitioner

Through: Petitioner in person.

versus

P Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **09.01.2018**

CM No.768/2018 & CM No.770/2018

Allowed, subject to just exceptions.

CM(M) 31/2018

1. The petitioner has challenged the order dated 30th November, 2017 whereby the learned Family Court dismissed the application for review of the order dated 11th March, 2016 whereby the petitioner was directed to pay an interim maintenance of Rs.2,500/- per month.
2. The petitioner is present in person submits that he is not liable to pay any maintenance to the respondent on various grounds *inter alia* that the respondent is voluntarily residing with her parents and is professionally qualified. It is further submitted that the petitioner is pursuing his law degree and is not earning any amount.
3. This Court is of the view that the respondent's application under Section 24 of Hindu Marriage Act is still pending before the learned Family Court and all his contentions shall be considered by the learned Family Court at the stage of disposal of the respondent's application under Section

24 of Hindu Marriage Act. There is no infirmity in the order dated 30th November, 2017 whereby the learned Family Court rejected the review application on the ground that interim maintenance of Rs.2,500/- per month was awarded on the basis of the petitioner's admission that he was earning Rs.6,300/- per month.

4. The petition as well as CM No.769/2018 are dismissed with liberty to the petitioner to agitate all his contentions before the learned Family Court at the time of hearing on the respondent's application under Section 24 of Hindu Marriage Act.

5. Copy of this order be sent to the respondent.

6. Copy of this order be given *dasti* to the petitioner under signature of Court Master.

J.R. MIDHA, J.

JANUARY 09, 2018
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