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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 59/2018

NARESH CHAWLA

..... Appellant

Through : Mr. Praveen Chauhan, Advocate

versus

ANITA CHAWLA

..... Respondent

Through : Respondent in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

26.07.2018

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CM No. 28545/2018

This is an application for early hearing. Respondent has appeared in person. She has no objection if early hearing is granted. Accordingly, the application is allowed and the appeal is taken up for hearing today itself.

MAT.APP.(F.C.) 59/2018

The appellant is aggrieved by the order dated 08.12.2017 by which the Family Court has granted maintenance to the respondent @ 30,000/- per month from the date of the application, that is, 13.04.2007. Learned counsel for the appellant submits that while passing the impugned order, the Family Court completely lost track of the observations made by the High Court in CM (Main) No. 719/2003 dated 04.10.2004. He submits that despite this order being brought to the notice of the Family Court, the Family Court failed to consider the same.

We have examined the order passed by the Family Court and we find that there is no reference to the submission, if any, made by the counsel for the appellant regarding the order of 04.10.2004 passed in CM(M) No.719/2003 by the High Court. We also find it unusual that if

such a submission was made, why the same was not noticed in the order dated 08.12.2017. We also find it strange as to why a review petition was not filed before the Court which passed the impugned order. It seems that either such a submission was not made or may have escaped the attention of the Court.

Be that as it may, it would be open for the appellant if so advised to file a review petition so that it becomes clear as to whether such a ground was urged or not before the Family Court.

Accordingly, the present appeal is dismissed granting liberty to the appellant, as prayed, for filing an application seeking review of the order dated 08.12.2017. The litigation expenses of the respondent for appearing in this Court is fixed at Rs.5,000/- to be paid by the appellant to the respondent. The payment of the amount will be a pre-condition for hearing the review petition.

Date of 06.08.2018 is cancelled.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 26, 2018/SRwt