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

+ **MAT.APP.(F.C.) 50/2018**

MALTI GUPTA & ANR.

..... Appellants

Through: Mr. Shiv Charan Garg and Mr. Imran Khan,
Advocates.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Rajesh Gehlawat, Advocate for respondent
No. 2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

O R D E R

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10.08.2018

CM APPLN. No. 8975/2018 (Delay)

This is an application seeking condonation of 95 days delay in filing the present appeal.

For the reasons stated in the application, the delay in filing the present appeal is condoned.

Application stands disposed of.

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The appellant is aggrieved by the order dated 25.10.2017 by which the maintenance has been fixed @ Rs.8,000/- p.m. for the appellant/wife and her minor son.

Attention of the Court is drawn to the paragraph 13 of the impugned order as per which the husband was directed to place copies of statements of his bank accounts for the last three years, his ITRs for the last three years and the statement of accounts from various other banks. Paragraph 13 reads as under:

“Non-applicant is directed to file the statement of

account of his bank accounts for the last three years, his ITRs for the last three years, the statement of account of the bank accounts. He is also directed to file the copy of his PAN card, details of his debit and credit cards and other investments.”

Mr. Garg, learned counsel for the appellant submits that it would have been appropriate for the Family Court to pass the order after documents have been submitted by the husband to get a better idea and clear picture with respect to the financial standing of the parties.

Mr. Gehlawat, Advocate enters appearance on behalf of respondent No. 2 submits that he would have no objection as he has already filed the documents.

Accordingly, in view of the stand taken by the learned counsel for the parties, we remand the matter back to the Family Court for fresh hearing, after the documents as directed in para 13 are filed. Judge, Family Court shall dispose of the matter as expeditiously as possible.

Meanwhile, it is agreed that respondent No. 2 would continue to pay the maintenance amount fixed by the Family Court.

With these directions the present appeal is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 10, 2018
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