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

+ MAT.APP.(F.C.) 286/2018
ANKUR GUPTA

..... Appellant

Through Mr. Krishan Kumar & Mr. Abhishek
Kumar, Advocates.

versus

PREETI GARG

..... Respondent

Through None.

CORAM:

**HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **30.10.2018**

CM APPL 45328/2018 (exemption)

Exemption is allowed, subject to all just exception.

The application stands disposed of.

CM APPL 45330/2018 (delay in filing)

This is an application filed by the applicant/appellant seeking condonation of 19 days delay in filing the present appeal.

For the reasons stated in the application, the same is allowed. Delay of 19 days in filing the appeal is condoned.

The application stands disposed of.

MAT.APP.(F.C.) 286/2018 & CM APPL 45329/2018 (stay)

Challenge in this appeal is to the order dated 28.08.2018 passed by learned Family Court on an application filed by the respondent-wife under Sections 24 & 26 of the Hindu Marriage Act, seeking maintenance.

Learned counsel for the appellant submits that the Family Court has failed

to take into account the statement of account placed on record pertaining to the account of the respondent which shows an entry of Rs.20,000/- per month for the period 2015 onwards. Counsel further submits that although the statement of account was relied upon by him during the course of hearing and a submission was made that the respondent is employed, the same has escaped the attention of the Court as this submission does not find mentioned in the impugned order.

We have heard learned counsel for the appellant and have examined the copy of statement of account, which has been annexed to this appeal. Without expressing any opinion on the merits of the matter, we are of the considered view that this document which shows an entry of Rs.20,000/- every month should have been considered, if relied upon by the learned counsel for the appellant by the Family Court while deciding the application filed by the wife. We accordingly, grant liberty as prayed to the appellant to seek review of the order dated 28.08.2018. The Family Court will decide the review application in accordance with law.

With these observations, the appeal and CM APPL 45329/2018 are disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

OCTOBER 30, 2018/ck/

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