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

+ MAT.APP.(F.C.) 316/2018

SANJAAT JAIN

..... Appellant

Through: Mr.Harsh Surana and Mr.Sandeep Malik,
Advocates

versus

PAHUNI JAIN

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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03.12.2018

C.M.50379/2018 (delay)

1. The present application has been filed by the appellant for condonation of delay in filing the present appeal.
2. There is no opposition to the prayer made in the application. Accordingly, the delay of 177 days in filing the present appeal is condoned.
3. The application stands disposed of.

C.M.50380/2018 & C.M.50381/2018 (exemption)

4. Exemptions allowed, subject to all just exceptions.
5. Both the applications stand disposed of.

MAT.APP.(F.C.) 316/2018 & C.M.50378/2018 (stay)

6. Challenge in this appeal is to the order dated 05.05.2018, by which the application filed by the appellant herein for rejection of the maintenance petition has been dismissed. Learned counsel for the appellant submits that the copy of the petition received by him has been signed and verified by the father of the respondent-wife and not by the respondent-wife

herself. It is also submitted that while considering the said application, the Family Court has observed that the copy of the petition filed in the Court bears signatures of the respondent-wife, thus, a fraud has been played against the appellant.

7. Heard.
8. The present appeal, in our view, is without any merit for the reasons firstly, that the appeal is not maintainable and secondly, at best, the appellant instead of wasting time of the Court, should simply have requested the Family Court to ask the respondent to be cautious in future and ensure that the correct copy is supplied.
9. Accordingly, we find no merit in this appeal. The appeal and C.M.50378/2018 are dismissed. We grant liberty to the appellant to make an appropriate application before the Family Court and seek a direction to the respondent for supply of the correct copy.

G.S.SISTANI, J

JYOTI SINGH, J

DECEMBER 03, 2018

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