

SUMMI VS VIKAS

Present: Mr. Gulzar Mohammad, Advocate,
for the applicant.

Mr. Dinesh Nagar, Advocate,
for the petitioner.

This is a review application under Order 47 Rule 1 read with Section 114 CPC for review of order dated 28.02.2019 on the premise that learned counsel for the applicant-respondent had appeared in the case on 11.02.2019 and sought adjournment to have further instructions. The case was adjourned to 28.02.2019 i.e. the date on which the case was disposed of but his presence was not marked.

Perusal of the order would show that the order was passed after due consideration on the merits of the case but somehow, presence of learned counsel for the respondent could not be marked in the presence memo.

The recital of the order would show that it was never in dispute that an amount of Rs.6000/- per month was awarded as maintenance to the petitioner-wife in the proceedings under Protection of Women from Domestic Violence Act, 2005 as well as under Section 24 of Hindu Marriage Act. Even if wife was maintaining the child, the award of maintenance could have been construed only for the wife and this Court while passing

order dated 28.02.2019 only held that the observation to the contrary made in the impugned order would not have any effect on the entitlement of the minor, if any application is filed on behalf of the minor for seeking maintenance.

This review application is disposed of by marking presence of learned counsel for the respondent in the order dated 28.02.2019.

Except the aforesaid, there is no illegality in the order dated 28.02.2019.

01.04.2019
Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**