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

+ **MAT.APP.(F.C.) 16/2019**

KRISHAN KANHIYA

..... Appellant

Through: Mr. Pramod Kumar Tiwary, Adv.

versus

PRABHA KIRAN

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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18.01.2019

CM. Nos. 2182-83/2019 (Exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CM. No. 2181/2019

This is an application filed by appellant seeking condonation of 10 days delay in filing the appeal.

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

The application stands disposed of.

MAT.APP.(F.C.) 16/2019 and CM No. 2180/2019 (Stay)

In this case, the Family Court has awarded maintenance to the respondent in the sum of Rs.14,000/- per month. Learned counsel for appellant submits that the Mahila Court had also awarded maintenance of Rs.7,000/- per month and he cannot be burdened with both the amounts.

Moreover, it is contended that the respondent is well qualified person and is capable of earning and there is nothing on record to show that she has made any attempt to secure a job. Learned counsel submits that he seeks a direction for clarification of the order firstly, that the appellant would not be burdened with sum of Rs.7,000/- plus Rs.14,000/- and secondly, he would not be liable to pay any other expenses towards the school fee which he was paying, in case he pays Rs.14,000/- per month.

We find force in the submission made by the learned counsel for appellant. We make it clear that the appellant would only be liable to pay Rs.14,000/- and not any additional sum. The amount of Rs.7,000/- paid earlier will be adjusted out of the amount so awarded.

Let the arrears be cleared within a period of three months from today.

The appeal is accordingly disposed of with the above observations. Pending application also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 18, 2019

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