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of the husband. As the order impugned passed below Exh. 5 is based on fact of payment of maintenance to the wife in D.V. Act proceedings which order is also set aside by the Sessions Court on 29/4/2021, it will be appropriate in my opinion to direct the Family Court to decide the said Application-Exhibit-5 afresh. Liberty to Petitioner to file additional affidavit in support of said Exhibit-5. Needless to clarify that Counsel for Respondent-husband will be given liberty to rebut the same.

3] Petition as such stands partly allowed in the above terms.

(NITIN W. SAMBRE, J.)

Corrected as per speaking to the minutes order dated 22/10/2021.