

FAO-415-2021

Date of Decision: 25.5.2021

Pankaj Kumar

..... Appellant

Versus

Rupali

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Manuj Nagrath, Advocate, for the appellant.

AJAY TEWARI, J. (ORAL)

It is stated that pursuant to the order dated 3.5.2021 the appellant has paid entire maintenance pendente lite and is ready to pay Rs.30,000/- as litigation expenses by way of demand draft.

In our considered opinion, the appellant has only challenged the fact that his application for recalling the earlier *ex-parte* order was not decided but has nowhere challenged the order dated 26.10.2020, whereby the appellant was again proceeded against *ex-parte* because of his refusal to appear. It would be appropriate if the appellant first move an application before that Court to set aside the order, so that the earlier application can be taken up.

The appeal stands disposed of in view of the above order.

**(AJAY TEWARI)
JUDGE****(RAJESH BHARDWAJ)
JUDGE****25.5.2021**
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No