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

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Judgment delivered on: 26.04.2023

+ **MAT APP. (F.C.) 107/2023 & CM. APPL. 20692/2023**

SHRI. JANARDHAN SHARMA

..... APPELLANT

versus

SMT. PRIYANKA SHAW

..... RESPONDENT

Advocates who appeared in this case:

For the Appellant:

Mr. Vivek Vidyarthi, Mr. Suvigya Vidyarthi, Mr. Shivang Khanna, Mr. Prabhleen Kaur Gill, Mr. yash and Mr. Satvik, Advocates.

For the Respondent:

None..

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE GAURANG KANTH

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant impugns order dated 21.02.2023, whereby the application filed by the appellant, seeking exoneration from payment of arrears and future maintenance as directed by the Family Court on 13.10.2022, has been adjourned for hearing on 02.05.2023 with a direction that no evidence shall be recorded in the case till further orders.

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2. Learned counsel for appellant submits that the Family Court has erroneously recorded that no payment has been after 13.10.2022. He further submits that appellant has a strong case on merits to contend that respondent is disentitled for grant of any maintenance and for the said purpose, subject application was filed.

3. We notice that the Family Court has put up the application for consideration on 02.05.2023, which is only six days from today. Consequently, we are not inclined to interfere with the said order.

4. Family court shall, however, consider the application on merits. Appellant is directed to file his statement of accounts indicating the amount payable as per the order dated 13.10.2022 and the payments made by the appellant after the said date. Said account statement be filed before the Family Court with advance copy to learned counsel for the respondent. Family Court shall take the same into account at the time of disposal of the application on 02.05.2023 or as soon thereafter as may be permissible by the board position of the Family Court.

5. No further orders are called for in the appeal. The appeal is disposed of, however, it is clarified that this Court has neither considered, nor commented upon the merits of the contentions of the either party and all rights and contentions of the parties are reserved.

6. Dasti under signature of the Court Master.

SANJEEV SACHDEVA, J

APRIL 26, 2023
NA

GAURANG KANTH, J

