

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

+ **CM(M) 1069/2010**

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Date of Decision: 14.05.2012

PRAMOD BAJAJ

..... Petitioner

Through : Mr. P. Norula with Ms. Prerna Mehta,
Advts.

versus

RAKHEE

..... Respondent

Through : Mr. Jai Bansal, Adv.

CORAM:

HON'BLE MS. JUSTICE VEENA BIRBAL

VEENA BIRBAL, J. (ORAL)

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CM(M) No. 1069/2010

1. The petitioner/husband has challenged impugned order dated 04.08.2010 by which maintenance pendente lite @ Rs. 15,000/- per month has been awarded to respondent/wife and Rs. 5500/- has been awarded as litigation expenses.

2. On 23.02.2011, this court issued directions to the parties to file photocopy of the bank accounts held by them for the past 3 years and they were also directed to place on record Income-Tax Returns for the past 3

years. Both the parties have filed the documents pursuant to the order of this court. It is pointed out that the petitioner/husband was suspended on 16.12.2009 and it has also been pointed that he was reinstated in October, 2010. Learned counsel for petitioner/husband has further submitted that during suspension, the wages were less. The material has been placed on record so substantiate the allegations.

3. Learned counsel for petitioner/husband has submitted that when application under Section 24 of the Hindu Marriage Act was first taken up for arguments, the reply to the said application as well as documents could not be filed by the petitioner/husband and only oral submissions were made on his behalf. It is submitted that in the impugned order only one side picture is there.

4. Learned counsel for petitioner/husband has submitted that petitioner/husband could not put forward the reply as well as documents in the trial court record due to reasons beyond his control. It is submitted that it will be appropriate if the matter is remanded back and opportunity is given to the petitioner/husband to place on record the reply as well as relevant documents to substantiate his stand.

5. Counsel for respondent/wife has fairly conceded to the submissions made by the petitioner/husband.

6. With the consent of the parties and for effective disposal of the application under Section 24 of the Hindu Marriage Act, the impugned order is set aside, subject to cost of Rs. 15,000/-. It is pointed out that the matter is listed before the learned Principal Judge, Family Court on 28.05.2012. On the said date, the petitioner/husband will pay cost to the respondent. On the said date, learned Principal Judge, Family Court will give time to the petitioner/husband for riling reply which will not exceed more than 3 weeks. Along with reply, the petitioner/husband shall file all the documents which he has filed before this court. The respondent/wife shall also file the documents which she has filed pursuant to the directions of this court dated 23.02.2011 and any other document which she feels appropriate for disposal of the application under Section 24 of the Hindu Marriage Act. The learned Principal Judge, Family Court shall also give an opportunity to respondent/wife for filing rejoinder in response to the reply of petitioner/husband.

7. The learned Principal Judge, Family Court shall try to expedite the hearing on application under Section 24 of Hindu Marriage Act and, if possible, shall dispose of the same within 3 months.

The petition stands disposed of accordingly.

CM Nos. 8735/2012 & 8736/2012

In view of the order on the main petition, no further orders are required on these applications.

The same stand disposed of accordingly.

VEENA BIRBAL, J

MAY 14, 2012

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