

Ramesh Chand Vs. Manju Devi

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SooperKanoon Citation : sooperkanoon.com/700628

Court : Delhi

Decided On : Oct-08-1993

Reported in : II(1994)DMC256

Judge : Jaspal Singh, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 24

Appeal No. : C.R. No. 183 of 1993 and C.M. No. 606 of 1993

Appellant : Ramesh Chand

Respondent : Manju Devi

Advocate for Def. : Kirti Singh, Adv.

Advocate for Pet/Ap. : Savita Malhotra, Adv

Disposition : Petition allowed

Judgement :

Jaspal Singh, J.

1. On October 23, 1993, the learned Additional District Judge passed an order under Section 24 of the Hindu Marriage Act fixing maintenance pendente lite at the rate of Rs. 350/- per month besides Rs. 1000/- towards litigation expenses. Thereafter, an application was moved for review of that order which was dismissed

on 5th January, 1993. Hence this petition.

2. The learned Counsel for the petitioner has taken me through the order of October 23, 1992 and has submitted that it has been interpolated and unauthorised additions have been made in the same. Her grievance is particularly directed against the reference in the order to a salary Certificate issued by Madan Auto Industries. It is argued that the Certificate referred to in the said order having actually been issued by Madan Auto Industries on 18th November, 1992 and the same having been filed in Court only on 19th November, 1992 its reference in the order of 23rd October, 1992 is sufficient in itself to show that it suffers from unauthorised additions made much after November 19, 1993 and in further support of the contention my attention has been drawn to the original order wherein, it is contended, the writing with respect to the document appears clearly to have been added at a later stage. However, I need not go into this matter as the learned Counsel for the petitioner submits that she is only interested in getting the matter re-heard in the light of the documents filed by the petitioner on 19th November, 1992.

3. On my suggestion the learned Counsel for the respondent has also agreed to the grant of re-hearing of the matter by the learned Trial Court. Her only worry, however, is that the matter may get delayed. I am sure that the learned Trial Court while looking into the matter afresh, shall brook no delay.

4. For the reasons recorded by me above, the order dated October 23, 1992 is set aside. The learned Additional District Judge is directed to hear the parties on the application under Section 24 and to proceed to decide the matter afresh. No order is made as to costs.