

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C482 No.1839 of 2023</p> <p><b><u>Hon'ble Sharad Kumar Sharma, J.</u></b></p> <p>Mr. Amar Murti Shukla, Advocate, for the applicant.</p> <p>Mr. V.K. Jemini, DAG, for the State of Uttarakhand.</p> <p>Apart from the procedural flaw, the aspect which has been argued by the learned counsel for the applicant with regards to the manner in which the court has proceeded, as per the order-sheet regards to the proceedings which were held on 24.04.2023, onwards till the impugned order was passed. It has been argued by the learned counsel for the applicant that in the proceedings which were thus held under section 12 of the Domestic Violence Act, the applicant would not be entitled to receive any maintenance as such owing to the fact that as per the evidence on record she is a qualified lady, and having her own source of income, as such, once she is able to sustain herself, she is not entitled for any financial assistance to be given under the Act.</p> <p>For the said purposes, learned counsel for the applicant relies upon the judgment of the Madhya Pradesh High Court as reported in <b>2000 SCC Online MP 580, "Mamta Jaiswal Vs. Rajesh Jaiswal"</b>. However, this limb of the</p>

			<p>argument of the learned counsel for the applicant would be confined to the maintenance, which has been awarded to wife, the applicant to the proceedings under section 12 of the Act. But the interpretation of the said judgment cannot be extended for the maintenance to be granted to the daughter, because even otherwise also since being a natural father, he is liable to maintain the daughter at least.</p> <p>Issue notices to the respondent. Steps to be taken within a week from today.</p> <p>Till the next date of listing, the effect and operation of the impugned order would be partially remain stayed only limited to the extent of the maintenance of Rs.10,000/- as it has been determined to be paid to the respondent/wife.</p> <p>It is clarified that there is no interim order for the maintenance of Rs.15,000/-, which has been made entitled to be paid to the daughter Km. Siya.</p> <p style="text-align: right;"><b>(Sharad Kumar Sharma, J.)</b> 15.09.2023</p> <p>NR</p>
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