

ITEM NO.56

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).31850/2010

(From the judgement and order dated 18/03/2009 in DBCSA No. 1502/2008 in SBCWP No. 1413/2004 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

CHAMPA DEVI @ PREM

Petitioner(s)

VERSUS

RAM CHANDRA

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing O.T.,PERMISSION TO PLACE ADDL. FACTS AND GROUNDS and office report)

Date: 31/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Promila,Adv.(SCLSC)
 Ms. Tameem Hashmi, Adv.

For Respondent(s) Mr. S.K. Keshote, Sr.Adv.
 Mr. Sarad Kumar Singhania,Adv.

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against judgement dated 18.3.2009 of the Division Bench of the Rajasthan High Court whereby the special appeal filed by the respondent against the order passed by learned Single Judge dismissing the writ petition filed by him was allowed and the order of the learned Single Judge as also the one passed by Family Court, No. 1, Jaipur for payment of maintenance to the petitioner was set aside. The petitioner is also filed an application for condonation of 337 days delay.

We have heard learned counsel for the parties

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and perused the record.

Delay in filing the special leave petition is condoned because the petitioner has been able to offer satisfactory explanation.

However, on merits, we are satisfied with the impugned judgement does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution. In our view, the Division Bench of the High Court rightly set aside the order passed by the Family Court for payment of maintenance to the petitioner at the rate of Rs. 1,500/- per month along with Rs. 50/- as expenses for appearing on each date of hearing because she had already received Rs. 2,30,000/- by way of permanent alimony.

The special leave petition is accordingly dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master