bITEM NO.43 COURT NO.5 SECTION IVA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20273/2006
(From the judgement and order dated 18/01/2006 in MAO No. 1266/2003 of The HIGH COURT OF M.P AT INDORE)

SHAKUNTALA GERA & ANR. Petitioner(s)

VERSUS

ASHOK KUMAR & ORS. Respondent(s)
(With office report)

Date: 21/07/2008 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Anis Ahmed Khan,Adv.
Mr.Shoaib Ahmed Khan, Adv.

For Respondent(s) Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.
Mr.Archana Tiwari, Adv.
Mr.Ashwin V. Kochmath, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in part to the extent mentioned hereinbefore.

[Meenu Sethi] [Pushap Lata Bhardwaj]
A.R.-cum -P.S. Court Master

Signed order is placed on the file
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4718 OF 2008
(Arising out of S.L.P. (C) No.20273/2006)

Shankuntala Gera & Anr. ...Appellants

Versus

Ashok Kumar & Ors. ...Respondent(s)

O R D E R

Leave granted.

Having heard learned counsel for the parties, we direct that that portion of the order whereby and whereunder a sum of Rs. 250/- per month or Rs.3000/- per year towards expenses had been directed to be deducted cannot be upheld. It is set aside accordingly. Other part of the judgment, however, is sustained. The order of the High Court stands modified to the above extent.

The appeal is allowed in part to the extent mentioned hereinbefore.

.....

.J.

[S.B. SINHA]

.....

.J.

[CYRIAC JOSEPH]

New Delhi,
July 21, 2008.