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TIMES CITY

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'Courts must correct their own errors'

Hetal Vyas | TNN

Mumbai: Courts should amend their own mistakes as soon as they are pointed out.

This was the directive given by Justice Roshan Dalvi of the Bombay high court while he was hearing an appeal filed by a woman against an order passed by the Bandra family court, which had rejected her application seeking correction in her in-

terim maintenance order.


In May 2008, the woman filed an application, seeking interim maintenance from her husband till their divorce came through. In September next year, the family court granted her the interim maintenance, but in the written order, it committed a technical error, saying the maintenance would be granted from the "date of the passing of the order". However, according to the

rules, she was eligible to get maintenance from the date of filing the application. So, the mistake meant that the woman would lose out on maintenance for 15 months.

Pointing out the error, the woman filed an application and sought a "review" of the order and a correction so that she could get the money for 15 months. But, the family court rejected her petition saying it was filed too late.

The woman then moved the high court and her plea came up for hearing on October 28. Her advocate Vivek Kantawala argued that if the family court's order was not reviewed, it would be an injustice to his client. "The interim order is required to be effectuated and obeyed pending the petition," Justice Dalvi said. "The order of interim maintenance should be complied with from the date of the application. If the er-

ror remains, the injustice that would be done to the applicant would be to the extent of losing the interim maintenance for 15 months." Granting interim maintenance to the woman from the day of the filing of the application, Justice Dalvi added, "Courts must correct their own errors as soon as they are pointed out. This is applicable for any civil court and with greater vigor in a family court."



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