

CR-2239-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-2239-2015 (O&M).
Decided on: May 5, 2015.**

Gurib Lal

..... Petitioner(s)

Versus

Sunita Bhatti

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Mohd. Salim, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

In proceedings under Section 27 of the Special Marriage Act, 1954 initiated by the petitioner, the respondent-wife filed an application under Section 36 of the said Act for grant of interim maintenance. Vide impugned order interim maintenance @ Rs.8,000/- per month has been granted besides Rs.7,000/- as litigation expenses holding that the petitioner is working as a Taxi Driver and is earning Rs.20,000/- per month.

Counsel for the petitioner submits that the respondent had made a statement having received a sum of Rs.6,50,000/- on 10.10.2013 in the Court of Additional District Judge. She appears to have absented on the second occasion after expiry of six months as a result of which the petition under Section 10-A of the Divorce Act, 1869, was dismissed in default on 26.5.2014. It is submitted that the respondent having fraudulently received a sum of

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Rs.6,50,000/- would not be entitled to interim maintenance under Section 36 of the Special Marriage Act, 1954.

I have heard the learned counsel for the petitioner.

It is submitted that a suit for recovery of Rs.6,50,000/- has already been filed by the petitioner. Since a suit for recovery of the amount alleged to have been fraudulently received has already been filed, the petitioner is liable to pay the amount of interim maintenance during pendency of the divorce petition irrespective of the nature of the proceedings.

The petition is dismissed without prejudice to the rights of the petitioner to proceed with his case of recovery filed separately.

May 5, 2015.
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(M.M.S. BEDI)
JUDGE