

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

CR No.4204 of 2015

Date of decision : 08.09.2015

Vijay Singh

...Petitioner

Versus

Kiran

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the impugned order dated 04.05.2015, vide which application seeking restoration of the petition filed under Section 13(d) of Hindu Marriage Act has been dismissed, for non-payment of maintenance pendente lite.

Mr. Kamal Chaudhary, learned counsel for the petitioner submits that his client is willing to pay entire arrears of maintenance in case divorce petition is ordered to be restored to its original number. The aforementioned prayer appears to be honest, fair, legal and justified and would also to the benefit of the respondent-wife. It has been submitted that maintenance pendente lite has already ordered by the Court while deciding

the application under Section 24 of Hindu Marriage Act.

Since petitioner has undertaken to pay the entire arrears of maintenance pendente lite, I deem it appropriate to set aside the impugned order dated 04.05.2015, whereby application seeking restoration of the divorce petition having been dismissed for non-prosecution on account of non-payment of maintenance pendente lite.

Divorce petition is restored to its original number.

However, same shall proceed only in case the petitioner pay/clear entire arrears of maintenance pendente lite, on appearance, before the Courts below.

It is made clear that payment of maintenance pendente lite shall be condition precedent. In case of failure to pay or arrears are not cleared, as undertaken, impugned order deemed to be in existence/operative.

Accordingly, present petition is disposed of.

08.09.2015

pawan

**(AMIT RAWAL)
JUDGE**