

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.4432 of 2014

Date of decision: 05.11.2015

Balbir

.....Petitioner

versus

Anita

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ashok Kumar Sharma (Bhana), Advocate
for the petitioner
None for the respondent

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 3.5.2014, passed by the learned District Judge, Jind, vide which, pending the petition under Section 13 of the Hindu Marriage Act, 1955 (in short, 'the Act'), interim maintenance @ Rs.3,000/- per month to the wife has been allowed. Rs.5,500/- as litigation expenses has also been allowed.

Despite service, respondent refused to appear and therefore, she is proceeded against ex-parte.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

Marriage between the parties is not denied. The only plea

of the learned counsel for the petitioner is that previously, the petition under Section 13B of the Act was filed, in which, wife has made a statement that she has received the *Istridhan* and permanent alimony. However, later on she withdrew her consent and the petition under Section 13B of the Act was dismissed.

The perusal of the impugned order shows that before the Court below, the wife has taken the plea that since the permanent alimony was not paid, therefore, she had withdrawn the consent. The lower Court has observed that the allegations and counter allegations are yet to be looked into. Therefore, the lower Court has awarded the maintenance.

I am of the view that since the allegations of payment of permanent alimony are yet to be determined on merits, therefore, the lower Court was justified in granting interim maintenance, which otherwise also is not on the higher side.

No ground to interfere is made out.

Resultantly, the present revision stands dismissed.

05.11.2015

gk

**(Kuldip Singh)
Judge**