

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6833 of 2015 (O&M)
Date of decision: 14.10.2015

Ajay Kumar

...Petitioner

versus

Luxmi Devi

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Kumar Garg, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 03.08.2015 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Mansa, whereby defence of the petitioner has been struck off.

Perusal of the impugned order (Annexure P-1) shows that vide order order dated 14.01.2015 an application filed by the Luxmi Devi-wife under Section 24 of the Hindu Marriage Act was allowed and Ajay Kumar-husband (petitioner herein) was directed to pay Rs.1300/- per month as maintenance and Rs.2000/- as litigation expenses. However, he had paid only Rs.1500/- to the respondent-wife. Thereafter, number of adjournments were given to comply with the order dated 14.01.2015, but he failed to do so. Ultimately, his defence was struck off vide impugned order dated 03.08.2015 keeping in view the judgment passed in Didar Singh Vs. Sunita alias Balwinder Kaur, 1996 (1) RRR 445, wherein it has been held that if the appellant has failed to comply with the directions given in application under Section 24 of the Act to pay the maintenance, his appeal was liable to be

dismissed consequent upon striking of his defence.

Learned counsel for the petitioner states that the petitioner shall give entire payment of maintenance on the next date of hearing.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide some time to the petitioner to defend his case.

In view of the above, the impugned order dated 03.08.2015 (Annexure P-1) is set aside and one effective opportunity is granted to petitioner (husband) to pay entire arrears of maintenance and defend his case, subject to costs of Rs.5000/- to be paid to the respondent-wife (Luxmi Devi). It is clarified that in case the above said order is not complied with, the defence of the petitioner will be struck off on the first date itself.

Allowed accordingly.

(RITU BAHRI)
JUDGE

14.10.2015
ajp