

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-M-56-M-2000(O&M)

Date of decision : 22.12.2015

Sawaran Singh

... Appellant

Versus

Surinder Kaur and another

... Respondents

***CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr.Rajesh Sharma, Advocate
for Mr.Harkesh Manuja, Advocate
for the appellant.

None for the respondents.

RAJIVE BHALLA, J.(ORAL)

The appeal is directed against order dated 06.01.2000 granting permanent alimony to the respondent (wife) @ ₹1000/- per month. The appeal was filed in the year 2000 and despite order dated 02.03.2001 directing the appellant to furnish the correct address of the respondent and file process fee, the appellant has not come forward either to file process fee or to furnish the correct address.

Apart from the fact that service has not been effected for the

last more than 14 years, we have perused the impugned order, heard

counsel for the appellant and find no reason to hold that the paltry amount of ₹1000/- assessed as permanent alimony by the trial Court is in any manner illegal or contrary to the rights of the parties. The appellant and the respondent were married on 10.09.1986 and were blessed with a child. The appellant filed a petition under Section 9 of the Hindu Marriage Act 1955 (in short 'the Act') which was decreed on 08.01.1991. The appellant thereafter filed a petition under Section 13 of the Act for dissolution of marriage which was allowed on 20.09.1996, by the Additional District Judge, Karnal. The respondent thereafter filed application under Section 25 of the Act for assessment of permanent alimony. The appellant (husband) filed a reply and primarily relied upon judgments directing restitution of conjugal rights as well as the decree for divorce.

The learned trial Court has after considering the entire controversy particularly that the husband was drawing a salary @ ₹4000/- per month and also considering the findings recorded in decree of divorce etc. held that the respondent is entitled to a permanent alimony of a paltry amount of ₹1000/- per month.

We find no error in the impugned judgment much less an error of law or of fact that could call for interference. The respondent has been able to prove that she has no source of income. A finding recorded in the decree for restitution of conjugal rights and the decree for divorce that the respondent did not want to live with the appellant is not germane to the controversy. This apart the appellant has not taken any steps to

serve the respondent for the last for more than one decade.

Finding no merit, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

December 22, 2015.

Davinder Kumar