

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6821 of 2015(O&M)

Date of Order: 06.10.2015

Satish Yadav

..Appellant

Versus

Smt. Rekha Yadav and anr.

..Respondents

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

**Present: Mr. Atul Yadav, Advocate,  
for the appellant.**

**RAJIVE BHALLA, J (Oral)**  
**C.M.No.21283-CII of 2015**

Prayer in this application is to implead the appellant's minor son as respondent no.2.

For reasons stated in the application and the arguments advanced by counsel for the appellant, the application is allowed and Mr. Nirbhay Yadav, is impleaded as respondent no.2.

**C.M.No.21284-CII of 2015**

Allowed as prayed for.

Annexures A-1 to A-4 are taken on record.

**C.M.No.21285-CII of 2015**

Prayer in this application is to condone delay of 449 days in filing the appeal.

We have heard counsel for the appellant and as sufficient cause has been shown, namely, that after a compromise, parties started residing together, allow the application and condone the delay of 449 days in filing the appeal.

**FAO No.6821 of 2015**

The appellant challenges order dated 30.05.2014, whereby the divorce petition was withdrawn as parties decided to live together and the appellant agreed to pay maintenance @ Rs.5,000/- per month to his wife and his minor son. Counsel for the appellant submits that after the compromise his wife left the matrimonial home of her own free will. The wife lodged an FIR No.288, dated 07.07.2014, under Section 506 of the Indian Penal Code. The respondent wife having left the matrimonial home of her own free will, is not entitled to maintenance.

We have heard counsel for the appellant, perused the impugned order, as well as various other orders appended with the appeal but are not inclined to grant any relief to the appellant. The maintenance of Rs.5000/- per month was fixed after parties agreed that the respondent and the minor child of the parties would be awarded maintenance @ Rs.5000/- per month. The question whether the wife left the house or the appellant created a situation compelling the wife to leave the house is a matter for the appellant to urge by availing his remedy under the law. The order dated 30.05.2014, does not call for interference.

Consequently, finding no merit, the appeal is dismissed.

**(RAJIVE BHALLA)**  
**JUDGE**

**October 06, 2015**

**(REKHA MITTAL)**  
**JUDGE**