

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

259

CR-1618 OF 2014 (O&M)

Date of Decision: 15.01.2016

JAGDEEP SINGH

---Appellant

Versus

RAJWANT KAUR

--Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

Present: Mrs. Deepali Puri, Advocate
 for the petitioner.

None for the respondent.

REKHA MITTAL, J.

The present petition has been preferred against maintenance awarded to the respondent-wife under Section 24 of the Hindu Marriage Act in the proceedings initiated by the petitioner, for restitution of conjugal rights. The parties were at issue in regard to the outstanding amount towards arrears of maintenance. On October 7, 2015, order passed by this Court reads as follows:-

*“Present:- Ms. Deepali Puri, Advocate
 for the petitioner
 Mr. Vaibhav Sehgal, Advocate
 For the respondent.*

There is a clerical error in order dated 20.08.2015 in second paragraph of the order. Word respondent be treated as petitioner as petitioner was directed to bring entire arrears of maintenance on the adjourned date i.e. today.

Learned counsel for the petitioner submits that arrears of maintenance to the tune of Rs.1,10,000/- has already been paid to the respondent. According to learned counsel for the respondent an amount of Rs.2,40,000/- is still to be paid till date. This assertion has been denied by the learned counsel for the petitioner.

Let a specific affidavit be filed by the respondent and a copy thereof be supplied to learned counsel for the petitioner within three days from today. In case, entries/calculations are reconciled and petitioner accepts that due amount, petitioner is directed to bring entire arrears of maintenance on the adjourned date i.e. 16.10.2015.

A photocopy of this order be placed on the file of connected case.”

The order passed on 19.10.2015 reads in the following terms:-

*“Present: Ms. Suman Devi, Advocate for
Ms. Deepali Puri, Advocate
for the petitioner*

*Mr. Vaibhav Sehgal, Advocate
for respondent.*

Learned counsel for the petitioner contends that due to some unavoidable reasons petitioner could not be contacted.

Last opportunity is granted to the learned counsel for the petitioner to comply with the order dated 07.10.2015.

Adjourned to 06.11.2015.

To be taken up after urgent cases.”

On November 20, 2015, the petitioner was present in the Court along with his counsel and expressed his desire to comply with the orders dated 7.10.2015 and 19.10.2015 in letter and spirit and prayed for some

more time to arrange funds. The petitioner was granted one last opportunity to clear arrears of maintenance to the tune of Rs.92,000/- by 15.01.2016.

The petitioner is neither present in the Court nor he has cleared the arrears of maintenance. Counsel for the petitioner has expressed her inability to say something in the matter.

In view of the above, the petition is dismissed for failure of the petitioner to comply with the orders of this Court in regard to payment of arrears of maintenance.

(REKHA MITTAL)
JUDGE

15.1.2016
SwarnjitS