

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

CR No.3547 of 2016(O&M)

Date of decision:26.7.2016

Gurpartap Singh

....Petitioner

VERSUS

Gurdarshan Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gitish Bhardwaj, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 12.04.2016 (Annexure P-11) whereby an application for review of order dated 07.03.2015 allowing maintenance *pendente lite* to the respondent under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act'), has been dismissed. Counsel for the petitioner contends that as the respondent-wife is living in adultery, she is not entitled to get maintenance. It is further submitted that the petitioner has placed on record the call details (Annexure P-12) indicating that there were frequent calls between respondent and the alleged adulterer impleaded as respondent No.2 in the petition filed under Section 13 of the Act.

I have heard counsel for the petitioner, perused the paper-book and the documents placed on record.

Perusal of the original petition filed under Section 13 of the Act would make it evident that in the petition, the alleged adulterer was not impleaded as a party. Later, an application was filed under Order 1 Rule

10 read with Order 6 Rule 17 of the Code of Civil Procedure, 1908, for impleading him as a party that was allowed by the Court below vide order dated 12.08.2015. The mere fact that the petitioner has raised an allegation that the respondent-wife is living in adultery and has placed on record call details in regard to telephonic communication between the two is not sufficient to deny benefit of maintenance to the respondent-wife warranting intervention in the order passed by the trial Court, refusing to review order dated 07.03.2015.

No other point has been raised.

In view of what has been discussed hereinabove, the petition fails and is accordingly dismissed in *limine*.

Nothing stated in this order shall be construed as an expression of opinion on merits of the case.

JULY 26, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Before the order could be signed, counsel for the petitioner prays for withdrawal of the petition.

Dismissed as withdrawn.

JULY 26, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no