

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.4083 of 2016 (O&M)

Date of decision:04.07.2016

Harwinder Singh

... Petitioner

Vs.

Harpreet Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Ms. Sonia G. Singh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The husband-defendant is aggrieved of the order passed by the Lower Appellate Court, whereby, order of the trial Court dismissing the application filed by the plaintiffs to proceed with the suit for maintenance as pauper, has been set aside.

Ms. Sonia G. Singh, learned counsel appearing on behalf of the petitioner-defendant/husband submits that respondent-wife owned a house and a plot and this fact has not been denied and application under Order 33 Rule 1 of the Code of Civil Procedure has been perversely allowed. During the period, when wife remained out of India, children were maintained by the husband and all these facts have not been noticed by the Appellate Court below.

I have heard learned counsel for the petitioner and appraised

the paper book and of the view that once the Lower Appellate Court has given the reasoned finding that house and plot do not incur any income and she has to maintain minor children. Once the husband is unable to maintain wife and children, wife is left with no other option but to seek vindication of her grievance as has been sought for. Thus, the finding rendered by the Lower Appellate Court is perfectly based upon her factual aspect and documentary evidence on record. No interference is warranted and order cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 04, 2016
savita