

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

-.-

Civil Revision 5174 of 2016
Date of decision: 27.09.2016

Inderjeet Singh

..... *Petitioner*

Versus

Sukhmandeep Kaur

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. B D Sharma, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition has been directed against order dated 19.07.2016 (Annexure P7) passed by the Additional District Judge, Amritsar, allowing the application of the respondent-wife for grant of maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955.

The sole submission made by counsel for the petitioner-husband is that as the respondent-wife is living in adultery and the petition for divorce has been filed on that ground, she has dis-entitled herself to get maintenance.

I have heard counsel for the petitioner and perused the paper book particularly the order impugned.

Be that as it may, counsel for the petitioner has not pointed out any material on record even to prove *prima facie* that the respondent-wife is guilty of living in adultery in order to deny maintenance *pendente lite*. Not

only this, the alleged adulterer has not been made a party in the proceedings, therefore, the petition on the ground of adultery may not be maintainable much less sustainable. In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

Dismissed.

Before parting with this order, it is appropriate to mention that counsel for the petitioner has made a submission that as marriage of the parties has irretrievably broken down and there appears to be no possibility of their resuming cohabitation, the respondent-wife may be called upon to appear in the Court for examining possibility of an amicable settlement. The petitioner is left at liberty to make a similar request to the Court below where the proceedings are pending. In case such a request is made, the Court concerned would examine this aspect and the parties may be relegated to the Mediation Centre at Amritsar for exploring possibility of an amicable settlement.

(Rekha Mittal)
Judge

27.09.2016
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No