

CR No.5702 of 2016 (O&M)

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

CR No.5702 of 2016 (O&M)

Date of decision:02.09.2016

Ashok Kumar

... Petitioner

Vs.

Hardeep Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Manpreet Ghuman, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that the petitioner is husband who is defendant in a divorce petition filed by the respondent-wife.

In the aforementioned petition, maintenance pendente lite has already been ordered but the application was moved that she should give indemnity bond, in case, it has been found that she has performed second marriage. It is strange that petitioner-husband is still contesting the divorce petition while according to him, his wife has already married.

Be that as it may, petitioner had already approached this Court twice, i.e., by way of CR No.1658 of 2016 which was dismissed being without any merits and CR No.2681 of 2016 in which this Court had given the liberty to prove the factum of second marriage during the trial but the petitioner misconstrued the order and moved an application for recalling of the order granting maintenance pendente lite and as well as, calling upon the wife to furnish the indemnity bond. The same has been dismissed with costs

of ₹2,000/-.

Learned counsel for the petitioner-husband insists that notice be issued so that the wife be called and the matter would be compromised.

I have already commented upon that the entire evidence of second marriage would help them, if the divorce petition had been filed at the instance of the petitioner, whereas, he is defending the petition. Once he is himself making out a case of second marriage, it would be futile exercise to defend the divorce petition filed at the behest of wife. I believe that petitioner is not given proper legal advice.

With the aforementioned observations, I do not intend to differ with the findings rendered by the Court below as the order came to be passed in the application. In my view, *prima facie*, there is a misreading of the observations given by this Court in the order dated 12.04.2016.

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 02, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No