

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

Civil Revision No.7232 of 2016 (O&M)
Date of decision: December 17, 2016

Surinder Kumar

...Petitioner

Versus

Sandeep Kumari

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gunjan Mehta, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 31.08.2015, passed by Additional District Judge, Kaithal, whereby objections filed by respondent in the execution petition have been dismissed.

Learned counsel has assailed the order. According to him, respondent did not disclose the fact that at the time of final decision, the court had not granted any relief of maintenance to her. Moreover, there is no relationship between the parties after respondent has performed second marriage before filing the execution petition.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent filed a petition under Section 13 of the Hindu Marriage Act, 1955 against petitioner seeking a decree of divorce

and an application under Section 24 of the Act was also filed along with the petition for grant of maintenance and litigation expenses. Petition under Section 13 of the Act was allowed on 01.06.2013, whereby marriage between the parties was annulled. Thereafter, respondent filed execution claiming arrears of interim maintenance, wherein petitioner filed instant objections on the ground that after performing second marriage, respondent is not entitled to any maintenance or litigation expenses. The trial court dismissed the objections by observing that respondent is entitled to interim maintenance for the period prior to performing second marriage by her. I find no infirmity with the order passed by the court below. It reveals that respondent is not demanding any interim maintenance after her second marriage. Petitioner is bound to pay arrears of maintenance and litigation expenses for the period before respondent performed second marriage, regarding which she has filed execution petition. I am of the considered view that the court below has rightly dismissed the objections filed by the petitioner. There is no merit in the present revision petition.

Dismissed.

(RAJAN GUPTA)
JUDGE

December 17, 2016
'Rajpal'