

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

Sr. No.210

FAO-M-132-2012

Decided on : 18th January, 2016

Manjit Kumar

.... Appellant

VERSUS

Savita Devi

..... Respondent

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Iman Farouqui, Advocate
for Mr. Mohd. Yousaf, Advocate
for the appellant.

Mr. Gautam Thapar, Advocate
for the respondent.

The appellant challenges judgment and decree dated 05.01.2012 dismissing his petition for dissolution of his marriage to the respondent.

On 12.10.2012 maintenance pendente lite payable to the respondent was fixed at Rs. 10,000/- per month from 15.09.2012. The appellant was directed to not only pay arrears of maintenance assessed by this Court but also arrears payable under Section 125 Cr. P.C. The order dated 12.10.2012 reads as follows:

'The appellant who is present in court, agrees that he would pay maintenance pendente lite @ Rs. 10,000/p per month to the applicant/respondent from the date of application i.e. 15.9.2012. As a consequence, we assess maintenance pendente lite @ Rs. 10,000/- per month from the date of application i.e. 15.09.2012. The arrears of maintenance as assessed by this Court and arrears payable under Section 125 Cr. P.C. Shall be paid on the next date of hearing. Monthly maintenance shall be paid regularly by the appellant to the respondent by the 7th of each calender month.

Litigation expenses to the tune of Rs. 20,000/- stands already paid on 23.07.2012.

Adjourned to 30.11.2012'.

On 06.10.2015, counsel for the respondent stated that Rs. 2 lacs is

due as arrears of maintenance. Counsel for the appellant prays for time to seek instruction. The appeal was adjourned to 07.10.2015 but no evidence has been placed before us by the appellant or his counsel that arrears of maintenance have been paid.

Consequently, we have no option but to dismiss the appeal for failure to pay arrears of maintenance with liberty to seek revival in case all arrears of maintenance are cleared.

(RAJIVE BHALLA)
JUDGE

January 18, 2016
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(LISA GILL)
JUDGE