

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

FAO-5287 of 2015(O&M)

Date of Decision: 21.07.2016

SUSHILA @ NANHI

....Appellant

Versus

RAM MEHAR

....Respondent

**CORAM:HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. Suresh Kaushik, Advocate for the appellant.

M. JEYAPPAUL, J.(Oral)

CM No.16604-CII of 2015

Mr. Rajiv Sharma, Advocate files Vakalatnama for the respondent, the same is taken on record.

There is a delay of 60 days in filing the appeal.

Heard.

For the reasons set out in the application, the same is allowed.

CM No.5341-CII of 2016

The application stands dismissed as infructuous, in view of the fact that Mr. Rajiv Sharma, Advocate has entered appearance for the respondent.

FAO-5287 of 2015

This is an appeal preferred by the appellant-wife challenging the dismissal of the application under Section 24 filed by her before the Trial Court in the proceedings initiated by the respondent-husband under Section 13 of the Hindu Marriage Act.

Heard the submissions made on either side.

The undisputed fact is that the respondent is serving as

Head constable. Out of three children born out of the wedlock , one child is with the appellant and two children, one who is mentally retarded and another one with a hole in the heart are with the respondent-husband.

It had also been demonstrated before the Trial Court that the appellant-wife was awarded with a sum of Rs.6,000/- per month towards maintenance in the petition filed by her under the Protection of Women From Domestic Violence Act,2005.

Of course, the counsel for the appellant submits that the above amount of Rs.6,000/- per month awarded by the Competent Court under the Protection of Women From Domestic Violence Act,2005 was not paid by the respondent.

In our considered view, remedy for recovering the said amount lies somewhere else.

Considering the fact that a sum of Rs.6,000/- per month has already been awarded by the Competent Court under the Domestic Violence Act and also the fact that the respondent has to take care of two children, one with acute medical problem and the other with mental retardation, we are of the view that there is no merit in the appeal. Therefore, the appeal stands dismissed.

[M. JEYAPPAUL]
JUDGE

July 21, 2016
rashmi

[SNEH PRASHAR]
JUDGE