

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CR-1703 of 2017

Date of Decision:29.09.2017

Himmat Singh

.....Petitioner

Versus

Mamta

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.J.P.Sharma, Advocate,
for the petitioner.

Mr.Devender Arya, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, filed under Article 227 of the Constitution of India, is directed against the order dated 30.01.2017 (Annexure P-1) passed by the learned family court, whereby divorce-petition filed by the petitioner-husband under Section 13 of the Hindu Marriage Act, was dismissed for want of compliance of court order.

Notice of motion was issued vide order dated 28.04.2017, which reads as under:-

“Learned counsel for the petitioner submits that in compliance of the order dated 9.3.2017 passed by this Court, bank draft dated 30.3.2017 bearing No. 869384 for an amount of ₹85,000/- has been prepared and brought by learned counsel for the petitioner in the name of respondent-wife towards arrears of maintenance and litigation expenses of ₹20,000/- for present revision petition, with a view to show bonafide of the petitioner.

Let the abovesaid bank draft be deposited with the Registrar General of this Court, which shall be handed over to the respondent-wife on the next date of hearing.

Notice of motion for 29.5.2017.

Notice re: stay also.

Process dasti as well as through the counsel of the respondent before the learned court below, in addition to ordinary process.”

Heard learned counsel for the parties.

Learned counsel for the petitioner, at the very outset, fairly states that since validity period of the bank draft dated 30.03.2017 has expired, petitioner shall get the bank draft revalidated and get prepared afresh bank draft in the name of respondent-wife, which shall be handed over to her before the learned court below on or before the next date of hearing. He further submits that the petitioner-husband shall keep on paying the maintenance to the respondent-wife @ ₹10,000/- per month awarded by the learned matrimonial court vide order dated 11.11.2016 (Annexure P-2) passed in the application moved by respondent-wife under Section 24 of the Act, during pendency of the divorce-petition. The abovesaid fair proposal put-forth by learned counsel for the petitioner is acceptable to the learned counsel for the respondent-wife as well. He further submits that the present revision petition be allowed on the abovesaid statement made by learned counsel for the petitioner.

In view of the above, impugned order dated 30.01.2017 passed by the learned court below is set aside. Petitioner is directed to get the bank draft dated 30.03.2017 revalidated, preparing afresh bank draft in the name of the respondent-wife for an amount of ₹85,000/- and the same shall be handed over to the respondent-wife before the learned court below on or

before the next date of hearing. Petitioner is further directed to ensure payment of total arrears on account of maintenance to the respondent-wife @ ₹10,000/- per month, whatever amount is found due and the said amount shall also be paid to the respondent-wife along with abovesaid revalidated bank draft on or before the next date of hearing before the learned court below.

Since the petitioner has deposited bank draft dated 30.03.2017 bearing No.869384 for an amount of ₹85,000/- with the Registrar General of this Court, in pursuance of the notice of motion order dated 28.04.2017, office is directed to return the abovesaid bank draft to the learned counsel for the petitioner against proper receipt.

Consequently, divorce-petition filed by the petitioner shall stand restored to its original number and the learned matrimonial court shall proceed further with the matter to decide the same, in accordance with law.

Resultantly, with the above-said observations made and directions issued, present revision petition stands allowed, however, with no order as to costs.

Parties are directed to appear before the learned matrimonial court on 03.11.2017.

September 29, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No