

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

CR No.2762 of 2017

Date of Decision: 26.04.2017

Satwant Singh through his general attorneyPetitioner

Versus

Ravdeep KaurRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India for setting aside impugned order dated 23.3.2017 whereby maintenance to the tune of ₹ 7000/- p.m. has been granted to respondent-wife.

Petitioner aggrieved by the aforesaid order has filed the present revision petition on the ground that the respondent-wife has not taken divorce from earlier husband, namely, Avtar Singh and this fact was concealed by her at the time of marriage. A petition for dissolution of marriage is also pending.

Learned counsel for the petitioner submits that respondent-wife is not entitled for maintenance because of earlier marriage and the trial Court without taking into consideration this fact, has passed the impugned order only on the basis that it is an interim maintenance and final decision will be taken after adducing evidence by the parties. Learned counsel also submits that now evidence has come on record and the trial Court is insisting the petitioner to deposit the amount of arrears of maintenance.

Heard arguments of learned counsel for the petitioner and have also perused the other documents available on the file.

Keeping in view the amount of maintenance and the salary of the petitioner, no interference is required but since the case is fixed for final arguments before the trial Court and the evidence has also come on record, it is for the trial Court to decide after considering the factum of remarriage and nothing can be said in the revision petition as evidence is not there on record.

However, the petitioner is directed to deposit the total amount of arrears before the trial Court before the next date of hearing and trial Court is directed not to disburse the amount to respondent-wife. In case, the case is fixed for final arguments before the trial Court, the amount of maintenance be released to respondent-wife only in the eventuality of decision of the case in her favour by the trial Court on the date fixed.

Revision petition stands disposed of.

April 26, 2017
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes