

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4283 of 2015
Date of Decision: 27.09.2017

Baljit Kaur
Vs
Nirmal Singh

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parminder Singh-I, Advocate
for the petitioner.

Ms. Jigyasa Tanwar, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 15.05.2015 passed by Additional District Judge (Fast Track Court), Bathinda whereby application under Section 24 of the Hindu Marriage Act for grant of maintenance *pendente lite* was declined.

[2]. Petitioner filed a petition under Section 13 of the Hindu Marriage Act for decree of divorce. An application under Section 24 of the Hindu Marriage Act was also filed claiming maintenance *pendente lite* on the ground that respondent is owner of 10 acres of agricultural land in village Dhatt, District Ludhiana and he has sold one residential house recently for a consideration of Rs.16,00,000/-. Petitioner claimed maintenance *pendente lite* to the tune of Rs.20,000/- per month, besides

litigation expenses of the equal amount.

[3]. The application was contested by the respondent.

[4]. The Court of Additional District Judge, Bathinda declined the application vide the impugned order on the ground that the respondent is about 75 years of age and no documentary evidence has been placed on record in respect of sale of Kothi for a consideration of Rs.16,00,000/- and ownership of the land with the respondent.

[5]. Learned counsel for the petitioner submitted that in the application filed under Section 24 of the Hindu Marriage Act, a specific plea was taken with regard to ownership of 10 acres of land with the respondent and the relevant documents were shown to the Court at the time of arguments on the application in question.

[6]. A reply has been filed by the respondent in which a specific stand has been taken in para No.8 of the reply that share in the land had already been transferred orally by the respondent in favour of his son in the month of May 2012 and the said fact has been given effect in the revenue record as well.

[7]. At this stage, documents placed by the petitioner on record would give necessary explanation in the remarks column in the context of mutation No.4507 dated 10.06.2012. At this

stage, learned counsel for the petitioner seeks to withdraw this revision petition with a liberty to file fresh application under Section 24 of the Hindu Marriage Act for the period from 10.10.2014 i.e. the date on which divorce petition was filed to 07.09.2017 i.e. date on which the divorce petition was accepted by the trial Court.

[8]. At this stage, without commenting anything on the merits of the case, I deem it appropriate to allow the petitioner to withdraw this revision petition with a liberty to file appropriate application before the trial Court to explain her stand that the necessary documents were submitted before the trial Court at the time of arguments on the application under Section 24 of the Hindu Marriage Act and to seek necessary orders therefrom.

[9]. Dismissed as withdrawn with liberty aforesaid.

September 27, 2017.

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No