

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 6785 of 2006 (O&M)

Date of Decision: August 21, 2017

Sandeep KumarPetitioner
Vs.
Amita JoshiRespondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.

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Present: Mr. Malkeet Singh, Advocate for the petitioner.
Mr. A.S. Gill, Advocate for the respondent.

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M.M.S. BEDI, J.

This revision petition has been filed by husband against order dated August 22, 2006 passed by the learned District Judge, Jalandhar accepting the application under Section 24 of the Hindu Marriage Act, for short 'the Act', of the respondent –wife for the grant of maintenance pendente lite at the rate of Rs.1500/- p.m. from the date of application.

This petition was filed on December 14, 2006 on the ground that the marriage had been dissolved by mutual consent on February 3, 2003. But after receiving the amount of maintenance and all the articles by the respondent wife, the intention of the respondent became dishonest and the respondent then filed an application for setting aside the order dated February 3, 2003 under Section 151 CPC on the ground that the order of dissolution of marriage was obtained by the petitioner on the wrong plea of fraud but the District Judge instead of dismissing the application had started hearing the application filed by the respondent under Section 24 of the Act.

The petitioner claims that he had challenged the maintainability of the application under Section 24 of the Act as the respondent had already received a sum of Rs.1 lac in cash as admitted in her statement dated January 28, 2003 as full and final settlement of the permanent alimony.

This revision petition was ordered to be heard along with FAO –M-213 of 2007 in which the wife had challenged the dismissal of her application for review of the order dated February 3, 2003 on the allegation that fraud had been played upon her.

As the order of the District Judge dated August 16, 2007 dismissed the review application of the respondent wife has been set aside in FAO-M-213 of 2007 and the parties have been relegated to the District Judge, Jalandhar, the claim of the respondent wife under Section 24 of the Act would subsist. Since the decree of divorce dated February 3, 2003 has not become final till date, the application under Section 24 of the Act is maintainable being an application during the pendency of the proceedings under Hindu Marriage Act.

The revision petition is thus dismissed.

(M.M.S. BEDI)
JUDGE

August 21, 2017
sanjay

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.