

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

115

CR No.8718 of 2016
Date of Decision:20.12.2017

Baljit Singh

...Petitioner

Versus

Ranjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Respondent has not appeared in-spite of service.

Husband-petitioner is in the revision petition against the order dated 17.12.2015 passed by the learned trial Court directing the husband to pay maintenance pendente lite at the rate of Rs.2,000/- per month.

Learned counsel for the petitioner has pointed out that the respondent-wife has already re-married and this fact has been admitted by the wife in her statement, copy whereof has been annexed as Annexure P-5. Learned counsel for the petitioner has further brought to my notice that this fact was pleaded by the petitioner, while filing the written statement to the divorce petition.

A reading of the order shows that the learned trial Court has not considered this aspect while passing the impugned order.

Taking into consideration these facts, this Court is of the opinion that the learned Additional District Judge, Jalandhar is required to be directed to re-decide the application under Section 24 of the Hindu Marriage Act, 1955, after taking into consideration the fact that the

respondent-wife has re-married as alleged by the husband.

In view thereof, the impugned order is set aside. Learned Additional District Judge, Jalandhar is directed to re-decide the application under Section 24 of the Hindu Marriage Act, 1955, after taking note of the aforesaid facts.

Hence, this revision petition is disposed of.

20.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No