

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

227

FAO No.M-381 of 2016

Date of Decision: August 2nd, 2017

Iqbal Singh

...Appellant

Versus

Satbir Kaur

...Respondent

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

Present: None for the appellant.

Mr. P.K. Ganga, Advocate
for the respondent.

M.M.S. BEDI, J. (ORAL)

The husband has preferred this appeal against judgment dated 30.08.2016 passed by the Additional Civil Judge (Senior Division), Talwandi Sabo, dismissing his petition under Section 9 of the Hindu Marriage Act holding that the respondent has got sufficient reasons to reside separately from the appellant as he had subjected her with cruelty. Another reason for dismissal of his petition under Section 9 of the Hindu Marriage Act is that the criminal proceedings are pending on the basis of an FIR registered against him.

Be that as it may, it is pertinent to observe that during pendency of the appeal, he was required to pay an interim amount of ₹20,000/- towards litigation expenses. Today again, none is present to represent the appellant or to pay the litigation expenses.

A perusal of the impugned order also indicates that the appellant has not paid any amount determined by the lower Court in application under Section 24 of the Hindu Marriage Act at the rate of ₹5,000/- per month. Even litigation expenses of ₹5,000/- awarded were not

paid.

On 26.04.2017, this Court had directed the appellant to pay the litigation expenses with a clear indication that if the amount is not paid, the appeal will be dismissed.

The appellant has opted not to pay the money or to appear in person or through the counsel. The appellant is a police official, as such it cannot be presumed that he is absolutely incapable of complying with the order of the Court and to pay the litigation expenses or interim maintenance.

Taking into consideration the conduct of the appellant of non-payment of any amount in the name of litigation expenses despite a specific direction, this Court has got no option except to dismiss the appeal for non-payment of litigation expenses.

Appeal is dismissed.

(M.M.S. BEDI)
JUDGE

August 2nd, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No