

FAO-M-94-2017 and CMM-188-2017
Date of Decision : 12.12.2017

Balbir ChandPetitioner

versus

RomiRespondent

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

Present: Appellant in person with
Mr. Ajaypal Singh Madaan, Advocate.

Mr. Sanjeev Sharma, Advocate
for the respondent.

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

Appellant - Balbir Chand present in person in the Court has stated in the Court that he does not want to pay the interim litigation expenses, and his appeal may be dismissed as withdrawn.

We have considered the facts and circumstances of the case. The present appeal has been filed against the order dated 08.02.2017 dismissing the application under Section 9 of the Hindu Marriage Act, 1955 filed by the appellant for restitution of conjugal rights. The lower Court on issue No.1, considering the evidence on record, arrived at a conclusion that on account of mental set up of the appellant, it was not safe for the respondent and the minor children to stay with the appellant.

Since the appellant has failed to discharge the statutory onus of paying interim litigation expenses of Rs.20,000/- to the respondent-wife, his *bona fide* to resume cohabitation is apparently doubtful. The

application under Section 9 of the Hindu Marriage Act, 1955 appears to be a camouflage merely to create defence in divorce petition filed by the respondent as well as in criminal proceedings initiated by her.

The appeal is, therefore, dismissed.

The application under Section 24 for maintenance *pendente lite*, filed by the respondent-wife stands disposed of as the appeal has been finally disposed of.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

12.12.2017

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No