

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

CR No. 5055 of 2018
Date of Decision: 29.08.2018

Rajinder Kumar

.....Petitioner

Versus

Sheetal

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vaibhav Goel, Advocate
for the petitioner.

Mr. Raja Paramdeep Saini, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 03.07.2018 passed by the Additional District Judge, Amritsar (for short, the Trial Court) through which defence of the petitioner in the divorce petition filed by the respondent has been struck off for the reasons that the arrears of maintenance to be paid to the respondent which had accumulated to ₹1.04 Lakh, were not paid by the petitioner.

Learned counsel for the petitioner has produced a demand draft for an amount of ₹30,000/- drawn in favour of the respondent which has been accepted by learned counsel for the respondent. Learned counsel for the petitioner further undertakes to clear the balance amount of ₹74,000/-, along with future maintenance, in two installments. The first installment of ₹50,000/- would be paid to the respondent within two months from the receipt of a certified copy of this order and the second installment of ₹24,000/- would be paid in another two months. He further submits that the

arrears of maintenance could not be cleared for the reasons that the petitioner is a very poor man who only has a cycle repair shop and was suffering certain losses in business.

This Court finds that the petitioner has certainly shown his bonafide, firstly by making payment of ₹30,000/- to the respondent in Court and then having undertaken to pay the remaining arrears in two installments as also to pay the future maintenance.

In view of the above, the impugned order is set aside and the petitioner is now permitted to lead his defence, subject to his making payment of arrears/future maintenance as undertaken by him.

(DEEPAK SIBAL)
JUDGE

29.08.2018
sandeep

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