

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5772 of 2015 (O&M)
Date of Decision.17.12.2018

Amandeep Singh Mann

....Petitioner

Vs

Kamaljit Mann

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Advocate
for the respondent.

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AMIT RAWAL J. (ORAL)

The present revision petition is arising out of impugned order dated 02.05.2015 (Annexure P-1) whereby petition for maintenance pendente lite under Section 24 of the Hindu Marriage Act in divorce petition filed by the petitioner-husband, has been allowed.

It has been brought to the notice of this Court that the divorce petition after evidence of the parties has been dismissed.

Mr. Randhawa, learned counsel appearing on behalf of the petitioner submitted that the short point involved in the present revision petition is whether the respondent wife would be entitled to claim arrears of maintenance pendente lite from the date of application under Section 24 of the Hindu Marriage Act was filed by the attorney.

Mr. Vikas Mohan Gupta, learned counsel appearing appearing for the respondent wife in support of impugned order relied

upon the judgment rendered by Division Bench of this Court in **Rajwant Singh Bains Vs. Kulwant Kaur Bains 2014 (3) PLR 320** to contend that a party in divorce petition can appear through power of attorney.

I am afraid aforementioned argument of Mr. Vikas Mohan Gupta is not sustainable, as the aforementioned judgment pertained to presentation and contest of the divorce petition and not for application seeking maintenance pendente lite. It is the financial capacity, which is to be seen and not merits of the case.

In view of aforementioned observations, the revision petition is disposed of with a rider that the respondent-wife will not be able to recover arrears of maintenance pendente lite and litigation expenses.

(AMIT RAWAL)
JUDGE

November 17, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No