

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

Civil Revision No. 6040 of 2017
Date of Decision : 16.07.2018

Mam Chand Arya

... Petitioner

Versus

Kusum Kumari

...Respondent

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. Manvender Singh Dalal, Advocate
for the petitioner.

Ms. Naina Issar, Advocate
for the respondent.

B.S. Walia, J (Oral)

1. Challenge in this revision petition under Article 227 of the Constitution of India is to order dated 03.04.2017, whereby the defence of the petitioner was struck off vide order Annexure P-9 passed by the learned Additional District Judge, Kaithal on account of non-payment of balance maintenance awarded in favour of the respondent-wife at the rate of Rs.2500/- per month vide order dated 31.08.2016. Prayer is for setting aside of order dated 03.04.2017 and for being allowed to participate in the proceedings before the learned Additional District Judge, Kaithal.

2. Learned counsel has in open Court handed over draft bearing No.301220 dated 13.07.2018 amounting to Rs.49,000/- in favour of the respondent-wife on account of payment of balance maintenance at the rate of Rs. 2500/- per month from the date of the order till 30.06.2018. Copy of draft which has been handed over to the learned counsel for the respondent is placed on record. Learned counsel for the petitioner states that the petitioner

would make payment of arrears of maintenance for the period from the date of filing of the application till the date of order within four weeks from today. Learned counsel for the respondent on being handed over the draft on account of balance maintenance for the period w.e.f. date of order as also in view of the undertaking to pay the arrears of maintenance w.e.f. date of application till date of order states that she is not opposed to the setting aside of the impugned order.

3. In the circumstances, order dated 03.04.2017 (Annexure P-9) passed by the learned Additional District Judge, Kaithal on account of non-payment of balance maintenance amount is set aside.

4. Learned counsel for the respondent states that the order be made conditional to the petitioner depositing arrears with effect from the date of application till the date of order within four weeks from today as also subject to the petitioner depositing the maintenance awarded in favour of the respondent every month on time.

5. While setting aside the impugned order, petitioner is allowed to participate in the proceedings in the divorce petition pending before the Court of the learned Additional District Judge, Kaithal subject to his depositing arrears on account of maintenance with effect from the date of application till the date of order i.e. 31.08.2016 within four weeks from today as also in making payment of the maintenance awarded by the 07th of every month.

6. The revision petition is allowed in the aforementioned terms.

(B.S. Walia)
JUDGE

16.07.2018

Manpreet

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No