

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.16689-CII of 2017 in/and
CR No.6847 of 2014

Date of Decision: 03.10.2018

Harmander Singh

.....Petitioner

Versus

Ajayta Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Karan Bhardwaj, Advocate
for the applicant/petitioner.

Mr. Diwan Sharma, Advocate
for the non-applicant/respondent.

RAJ MOHAN SINGH, J.

[1]. Notice of motion was issued on 07.10.2014. Thereafter, the case was dismissed for non-prosecution on 08.04.2016, however the same was restored vide order dated 27.04.2016. On the adjourned date i.e. 28.07.2016, following order was passed:-

“Both the parties are husband and wife and are loggerheads.

The present revision petition is arising out of interim order passed under Section 24 of Hindu

Marriage Act awarding maintenance pendente lite. Let an effort be made to settle the matter amicably between the parties.

Let the matter be sent to Mediation and Conciliation Centre of this Court for 10.08.2016.

Parties are directed to appear before Mediation and Conciliation Centre of this Court on 10.08.2016.

In the interest of justice, case is adjourned to 27.09.2016 to await the report of Mediator.

Mr. Karan Bhardwaj, Advocate submits that if there is any arrear due as per the order granted by this Court, he shall clear the same before the next date of hearing.

A photocopy of this order be placed on the file of other connected case.”

[2]. The words appearing in the concluding part of the order “this Court” were sought to be modified in CM No.15611-CII of 2016 filed by the respondent which was decided on 10.08.2016.

Order dated 10.08.2016 was to the following effect:-

“Prayer in the application is for modification/clarification of the order dated 28.07.2016, whereby, due to inadvertence, instead of words 'the Court below, the words 'this Court' have been mentioned.

In view of the aforesaid, the application is allowed and order dated 28.07.2016 is modified to the aforesaid extent which reads thus:-

Both the parties are husband and wife and are loggerheads.

The present revision petition is arising out of interim order passed under Section 24 of Hindu Marriage Act awarding maintenance pendente lite. Let an effort be made to settle the matter amicably between the parties.

Let the matter be sent to Mediation and Conciliation Centre of this Court for 10.08.2016. Parties are directed to appear before Mediation and Conciliation Centre of this Court on 10.08.2016.

In the interest of justice, case is adjourned to 27.09.2016 to await the report of Mediator.

Mr. Karan Bhardwaj, Advocate submits that if there is any arrear due as per the order granted by the Court below, he shall clear the same before the next date of hearing.

A photocopy of this order be placed on the file of other connected case.”

[3]. On the basis of aforesaid two orders, when the matter was listed before this Court on 17.07.2017, following order was passed:-

“Vide order dated 28.07.2016/10.08.2016, learned counsel for the petitioner submitted that the petitioner shall clear arrears of maintenance granted by the Court below before the next date of hearing. Thereafter the matter was tried before the Mediation and Conciliation Centre of this Court, but the parties could not resolve the same.

Learned counsel for the respondent submitted that nothing has been paid till date in compliance to the order dated 28.07.2016/10.08.2016.

Learned counsel appearing on behalf of the petitioner prays for last opportunity to do the needful within a week.

List on 27.07.2017.

In the event of non-compliance of the order dated 28.07.2016/10.08.2016, this petition shall be dismissed for non-prosecution without making any further reference to this Court.”

[4]. Order dated 10.08.2016 was sought to be modified by the applicant/petitioner and Co-ordinate Bench while passing the order dated 02.08.2018 modified the para No.6 of the order dated 10.08.2016 and directed the petitioner to clear the arrear, if due, as per order granted by the Court below before the next date of hearing. Thereafter, the matter was listed for 16.08.2018, but the arrears as per order passed by the Court below have not been cleared so far.

[5]. Now the present application has been filed, seeking modification of the order dated 17.07.2017 passed by this Court.

[6]. It appears from the record that the petitioner is playing hide and seek with the Court.

[7]. In view of aforesaid orders on record, I find no justification in entertaining the present application. The present

application is accordingly dismissed.

[8]. Since as per order dated 17.07.2017 passed by this Court, civil revision has to be dismissed for non-prosecution without making any further reference to the Court, therefore, the civil revision also stands dismissed.

October 03, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**