

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 721-2016 (O&M)
Date of decision: 08.03.2018

Paramjit Kaur

.....Petitioner

versus

Manjit Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rahul Rampal, Advocate for the petitioner
Mr.Gurcharan Dass, Advocate for respondent no.4

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition is order dated 11.1.2016, passed by Civil Judge (Junior Division), Ludhiana, vide which application filed for dismissing the petition under Section 9 of Hindu Marriage Act, 1955 for non-payment of maintenance to the wife has been dismissed.

Heard.

It comes out that petition under Section 9 of Hindu Marriage Act, 1955 is pending since 10.2.2013 before Civil Judge (Junior Division), Ludhiana, in which, evidence is going on. According to the petitioner wife, respondent-husband is not clearing the arrears of maintenance. Therefore, she moved an application before the trial Court to dismiss the petition. The said application did not find favour with the Court.

Learned counsel for the petitioner has relied upon the authority

of this Court titled as Harpreet Kaur vs. Parminder Singh, 1991 (1) HLR 129, to press that in such cases, petition should be dismissed.

Learned counsel for the respondent on the other hand has stated that there were arrears of Rs.3,66,500/-, out of which, he has paid Rs.2,79,500/- as upto January 2017. He has further stated that the arrears of maintenance of major children is being included. It is further undertaken that let trial Court calculate the maintenance after hearing the parties and if some maintenance is found pending, husband will clear the same within one month, failing which, his petition will be dismissed.

In view of the matter, impugned order dated 11.1.2016, passed by Civil Judge (Junior Division), Ludhiana is set aside. The trial Court is directed to hear both the parties and decide what amount of maintenance is payable by the husband to the wife and thereafter, afford one month time to the husband to pay the maintenance and if within the said period, the arrears of maintenance are not cleared, dismiss the petition filed by the husband under Section 9 of Hindu Marriage Act, 1955. It is further directed that no further time shall be granted to the husband to clear the arrears of maintenance.

Petition is allowed accordingly.

08.03.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No