

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

C.R. No.758 of 2018

Date of Decision.05.02.2018

Surjit Singh

.....Petitioner

Vs

Seema Rani

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

-:-

AMIT RAWAL J.(ORAL)

The petitioner-husband is aggrieved of the impugned order whereby in the application seeking ad interim maintenance under Section 24 of the Hindu Marriage Act in a petition seeking divorce instituted at the instance of the petitioner-husband, an amount of ₹3000/- per month has been awarded as maintenance.

Mr. Veneet Sharma, learned counsel appearing on behalf of the petitioner submitted that once Seema Rani wife of Tarsem Lal has suffered a statement before the police in proceedings initiated in pursuance of the complaint submitted that her husband was living in adultery with wife of the petitioner-Seema Rani, maintenance aforementioned cannot be granted by the trial Court. Similar is the statement of Tarsem Lal who was living adulterous life with the wife of the petitioner. It is in this backdrop of the matter, the application for maintenance under Section 24 of the Hindu Marriage Act ought to have been dismissed by the trial Court.

I have heard learned counsel for the petitioner and appraised the paper book. The statements suffered before the police, prima facie,

witnesses, though one of the ground for seeking divorce is adultery.

In my view, the petitioner shall be at liberty to prove the same in accordance with law. In the peculiar facts and circumstances of the case, I do not find any illegality and perversity in the order passed by the Court below and deem it appropriate to dispose of the revision petition with a direction to the Court below to decide the divorce petition as expeditiously as possible and preferably within a period of one year. The trial Court will also look into that none of the parties adopt dilatory tactics and if so found, it may take appropriate action in accordance with law.

(AMIT RAWAL)
JUDGE

February 05, 2018

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No