

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

FAO-M-259-2009 (O&M)
Decided on: February 15, 2018.

KULDEEP SINGH

.... Appellant

Versus

RANJIT KAUR

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: None.

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M.M.S. BEDI, J (ORAL)

This is an appeal filed by the husband aggrieved by dismissal of his petition for divorce on account of he having failed to pay the arrears of maintenance *pendete lite* determined under Section 24 of the Hindu Marriage Act, by the lower Court. During pendency of the appeal, the matter was referred to Mediation in the year 2010 to explore the feasibility of some amicable settlement as the respondent-wife was staying in her matrimonial home, whereas the husband claimed to have been disowned by his parents.

When the appeal was taken up for final decision on merits in September 2017, in the interest of justice, we deemed it appropriate to issue Court notice to the counsel for both the parties requiring the parties to appear in person for exploring the possibility of some amicable settlement as it appeared that they were living separately for many years.

Though it is the obligation of the counsel for the parties to appear themselves before this Court but no one had put in appearance before this Court on 13.09.2017. Even today, no body has put in appearance on behalf of the parties. Without expressing any opinion on merits, we deem it appropriate, in the interest of justice, to dismiss this appeal in default with an observation that in case an application for restoration is filed by the appellant, he shall be required to pay the entire arrears of maintenance calculated at the rate determined by the lower Court by exercising the powers under Section 24 of Hindu Marriage Act till the date of filing of the application of restoration.

The appeal is dismissed in default with liberty to the appellant to approach this Court within a period of six months but subject to condition that he would pay the entire amount of arrears calculated till date as determined by the lower Court while deciding application under Section 24 of the Hindu Marriage Act.

(M.M.S. BEDI)
JUDGE

February 15, 2018.
tarun

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No