

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(225)

FAO-4257-2015

Date of Decision: July 13, 2018.

Abhishek Gupta

.... Appellant

Versus

Jyoti Gupta

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Dinesh Kumar Gupta, Advocate, for the appellant.

Mr. Vishal R. Lamba, Advocate, for the respondent.

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

The appellant-husband had filed a petition to dissolve the marriage between the parties by decree of divorce. His petition was dismissed vide impugned judgment and decree dated 17.10.2014. He came in the appeal against the verdict of the lower Court. An application under Section 24 of the Hindu Marriage Act had been filed by the respondent-wife in the appeal which was allowed on 13.09.2017.

Counsel for the appellant today submits that he has got instructions to withdraw the appeal. He claims that entire arrears of maintenance due stand paid except for maintenance for a period of one month.

However, counsel for the respondent has denied the averment made by counsel for the appellant and submits that a sum of Rs.3,95,000/- is yet to be paid towards the arrears of maintenance besides the litigation expenses. Counsel for the respondent has clarified that the amount, if any, paid by the husband, was towards the implementation of the order passed by the Magistrate exercising the powers under the Protection of Women from

Domestic Violence Act and that no amount is paid in compliance of order dated 13.09.2017.

Without expression of any opinion regarding the total amount of maintenance due to be paid by the appellant to the respondent, the appeal can be permitted to be withdrawn.

The appeal is dismissed as withdrawn without prejudice to the right of the respondent to recover the arrears of maintenance on the basis of calculations made by this Court in order dated 13.09.2017. The judgment and decree dated 17.10.2014 are hereby confirmed.

(M.M.S. BEDI)
JUDGE

July 13, 2018
harsha

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No