

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

FAO No. 6370 of 2015 (O&M)

Date of Decision: 05.12.2018

AZAD SINGH

..... Appellant

V/s.

POOJA

....Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL.

Present: Mr. Gurpreet Jaiya, Advocate
 for the appellant.

 Ms. Bindu Goel, Advocate,
 for the respondent.

RAKESH KUMAR JAIN, J. (Oral)

Learned counsel for the respondent has submitted that vide order dated 11.12.2017, her application filed under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') was allowed and appellant was ordered to pay maintenance *pendente lite* @ ₹7,000/- per month with effect from the date of the application i.e June, 2017 and the litigation expenses of ₹40,000/-. Thereafter, the case was adjourned for 19.03.2018 for payment of the entire arrears of maintenance *pendente lite*. On the date fixed, an adjournment was sought by the learned counsel for the appellant to clear the arrears of maintenance and the matter was adjourned to 10.07.2018 subject to payment of ₹2,000/- as cost. Thereafter, the case was listed for 10.07.2018 and on that date also arrears of maintenance was not paid and the following order was passed: -

*“For payment of the arrears of maintenance, adjourned to
23.07.2018.*

*In case, the entire arrears are not cleared on the said date, the
said inaction may entail adverse legal consequences against the
husband-appellant.”*

Thereafter, on 23.07.2018, the case was adjourned for today.

Learned counsel for the appellant has submitted that he has no instructions at all in regard to the payment of arrears of maintenance *pendente lite*, therefore, learned counsel for the respondent has prayed that the defence of the appellant may be struck off.

After taking into consideration the aforesaid facts and circumstances, the defence of the appellant is hereby struck off. In such a situation, where the divorce petition was filed by the husband under Section 13 (1) (i) of the Act which was dismissed by the trial Court vide judgment and decreed dated 20.08.2015 and the present appeal has been preferred by the husband, in the event of striking of the defence of the appellant-husband, the present appeal would also meet with the same fate of dismissal.

Ordered accordingly.

It is needless to mention that still the respondent-wife may avail the remedy, if available, for the purpose of recovery of amount of maintenance.

[RAKESH KUMAR JAIN]
JUDGE

December 5, 2018
Ess Kay

[ANUPINDER SINGH GREWAL]
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No