

FAO-M-245-2014 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-245-2014 (O&M).

Decided on: May 23, 2018.

Harpreet Kaur

.. Appellant

VERSUS

Harcharanjit Singh

.. Respondent

*** * ***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.JUSTICE HARI PAL VERMA**

**PRESENT Mr.Tribhawan Singla, Advocate,
for the appellant.**

**Mr.Yogesh Aneja, Advocate,
for the respondent.**

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

Aggrieved by the decree of restitution of conjugal rights obtained under Section 9 of the Hindu Marriage Act, by the respondent-husband, the appellant-wife has preferred this appeal.

During the pendency of the appeal, the appellant-wife filed an application under Section 24 of the Hindu Marriage Act.

When the arrears had accumulated to the extent of Rs.1,10,000/-, on 24.4.2018, a request was made by the counsel for the respondent that some time may be granted to enable the respondent-husband to pay the arrears. The adjournment was granted for payment of the entire arrears for today. A costs of Rs.3,000/- was also imposed upon the respondent-husband.

Today, counsel for the respondent-husband has submitted that despite the knowledge of the case, the respondent-husband has not

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come forward and that he is evading appearance in this case to avoid payment of arrears of maintenance pendente lite.

In view of above circumstances, this Court has no other option except to strike off the right of the respondent-husband to defend the appeal. Accordingly, the defence of the respondent-husband in the appeal is struck off.

At this stage, counsel for the appellant-wife has informed that the appellant-wife had filed a petition for divorce on 27.7.2011 in the Court of Additional District Judge, Jalandhar. The said divorce petition has been allowed on 24.10.2017. The photocopy of the judgment dated 24.10.2017 is taken on record and brought to the notice of the counsel for the respondent-husband as it appears that the respondent-husband had earlier been contesting the divorce petition and later on opted to evade appearance as a result of which he was proceeded against ex parte. Since the decree dated 24.10.2017, passed by the Court of Mrs.Preeti Sahni, Additional District Judge, Jalandhar, has become final between the parties, as such the present appeal has rendered infructuous and is dismissed accordingly for above said reasons without prejudice to the rights of the appellant-wife to seek recovery of any amount accruing on account of any order of maintenance/interim maintenance.

(M.M.S. BEDI)
JUDGE

May 23, 2018.
raj arora

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No