

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

226

FAO-M-218-2016

Date of Decision: 10.09.2018

BRISH BHAN

....Appellant

Vs.

SEEMA RANI

...Respondent

**CORAM:- HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Aminder Singh, Advocate for the appellant.

Mr. M.K. Singla, Advocate for the respondent.

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

Appellant had filed a petition for decree of divorce which was dismissed on 21.04.2016 by the lower court. Aggrieved by the same, he has preferred this appeal.

During pendency of the appeal, he was directed to pay maintenance pendente lite vide order dated 10.11.2017 and attempt was also made for some amicable settlement between the parties.

Despite having been given number of opportunities, the appellant has failed to pay the arrears of maintenance pendente lite, which have accmmulated to sum of ₹ 1.55 lakh approximately. It was made clear on 01.03.2018 that in case of non-payment of entire arrears of maintenance pendente lite and balance of litigation expenses on 18.05.2018, the appeal would be dismissed on the next date of hearing. However, another opportunity was granted to clear the entire arrears of maintenance on 18.05.2018 as is apparent from the interim order and it was clarified that appeal would be dismissed in case amount due is not paid.

Today, when the appeal was taken up, it was informed by counsel for the respondent that not even a single penny has been paid towards the arrears of the maintenance pendente lite by the appellant.

We have considered the above said situation and are of the opinion that the appellant, who has not cleared the entire arrears of maintenance pendente lite despite having been granted several opportunities, is not entitled to pursue his appeal, especially when counsel for the appellant has informed that despite his best efforts to persuade the appellant to clear entire arrears, he is not able to clear the arrears. The appellant is present in the Court. He has been apprised of the consequences of non-payment of arrears. He has expressed his inability to pay the same.

We are left with no option except to dismiss his appeal for non-compliance of the order for payment of maintenance pendente lite passed under Section 24 of the Hindu Marriage Act, 1955 by the appellant, which has, at present, accumulated to sum of ₹ 1.55 lakh approximately.

Appeal is dismissed for the said reason, affirming the judgment and decree of the lower court, with liberty to the appellant to seek revival of the appeal within a period of one month on payment of arrears of maintenance pendente lite and without prejudice to the rights of the respondent to recover the arrears as per provisions of law.

(M.M.S. BEDI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

10.09.2018.

SwarnjitS

Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO