

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-11940-CII-2017 in/and
FAO-M-144-2017
Date of Decision:- 20.2.2018

Amit ... Appellant

Versus

Renu ... Respondent

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

Present:- Mr. Prateek Pandit, Advocate for the appellant.

None for the respondent.

M.M.S. BEDI, J.

On account of non payment of the maintenance allowance to the respondent-wife with effect from year 2008, despite repeated directions of the Court, the divorce petition filed by the appellant-husband was dismissed by the lower Court. To drag the respondent-wife in litigation after a delay of 922 days, appeal has been filed with an application for condonation of delay. In order to test the *bona fide* of the appellant-husband, in the interest of justice, on 19.12.2017 a direction was issued to the appellant-husband to deposit a sum of ₹ 1 lac before issuing notice to the respondent-wife. Earlier the appellant-husband was required to pay a sum of ₹ 2 lac vide order dated 10.8.2017 but taking into consideration the difficulty reflected before this Court, it was required of the appellant-husband to pay at least a sum of ₹ 1 lac, so that his claim for allowing the appeal could be seen and an opportunity could be granted to him for

establishing his claim before the lower Court but surprisingly instead of availing the opportunity bestowed upon the appellant-husband, he has failed to pay even a single penny to the respondent-wife, which act is not only violative of the objective of Section 24 of the Hindu Marriage Act, 1955 but is clearly an indication of intention to harass the respondent-wife in contravention to the statutory obligation to maintain the respondent-wife.

Counsel for the appellant-husband has been given final opportunity to comply with the order dated 19.12.2017 but counsel for the appellant-husband has submitted that he has explained all the pros and cons to the appellant-husband and made best efforts to persuade him to comply with the orders passed by this Court and avail an opportunity of hearing by depositing part of the amount due i.e. sum of ₹ 1 lac, but the appellant-husband has not responded.

We have considered the facts and circumstances of the case. Despite having been fairly advised of the legal consequences by his counsel, the appellant-husband has not paid any amount. The appeal is dismissed for non-compliance of the order of payment of maintenance *pendente lite*.

(M.M.S. Bedi)
Judge

20.2.2018
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No