

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

108+227

CM-27214-CII-2018 in/and
FAO-M-140-2013 (O&M)

Date of Decision: 11.12.2018

ANIL KUMAR

....Appellant

Vs.

RUBY

.... Respondent.

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

Present: Mr. Sumit Gupta, Advocate
for the applicant-appellant.

None for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

The present appeal is filed at the instance of the husband, who has remained unsuccessful in seeking decree of divorce on a petition filed by him before the trial Court.

During pendency of the appeal, an application filed by the respondent bearing CMM No.60 of 2016 under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') was allowed vide order dated 9.3.2018 and the appellant husband was ordered to pay ₹ 8,000/- per month w.e.f. April, 2016 besides ₹ 30,000/- as the litigation expenses. The case was adjourned for payment of the arrears of maintenance as awarded by this Court. But instead of making the payment, the appellant husband has filed an application bearing CM No.27214-CII of 2018 for seeking permission to withdraw the main appeal as it is submitted that the appellant is not in a position to pay the amount of maintenance

although no one has put in appearance on behalf of the respondent to safeguard the interest of the respondent.

We have made it clear to the appellant, while allowing the application for withdrawal of the appeal that we may give opportunity to the respondent to recover the amount of maintenance awarded by this Court. In this regard, he has not raised any objection and thus, CM-27214-CII-2018 is hereby allowed and the main appeal (FAO-M-140-2013), which had already been admitted and listed for today for the payment of maintenance, is hereby ordered to be withdrawn.

It is needless to mention that the respondent shall have the opportunity to avail her remedies, available under the law for the purpose of recovery of the amount of maintenance fixed by this Court vide order dated 9.3.2018.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

11.12.2018.

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO