

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 167 of 2018

Date of decision: 10.9.2019

MANJINDER SINGH

.....petitioner

Versus

DALJIT KAUR

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Vishva Behl, Advocate for
Mr.Harkesh Manuja, Advocate
for the petitioner.

Mr.A.S.Manaise, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(oral)

There is some typographical omission in the order dated 17.5.2018. Word 'has' appearing in the fifth line of the order be read as 'have'.

Petitioner has challenged the orders dated 6.4.2017 and 28.4.2017, whereby interim maintenance under Section 24 of the Hindu Marriage Act was fixed @ Rs.5,000/- per month and the divorce petition was dismissed for want of payment of arrears of maintenance.

Today, learned counsel for the petitioner does not wish to lay challenge to the order dated 6.4.2017 (Annexure P-3), vide which amount of Rs.5,000/- per month was fixed as maintenance pendente lite in favour of the respondent from the

date of filing of application under Section 24 of the Hindu Marriage Act till final disposal of the petition.

Since the main petition was dismissed for want of payment of arrears of maintenance pendente lite vide order dated 28.4.2017, therefore, revival of the case would relate back to the original date of filing and the petitioner is liable to pay maintenance pendente lite from 24.4.2017 till the date on which the petition is restored to its original number.

Learned counsel for the respondent states that the respondent has no objection to the restoration of the petition under Section 13 of the Hindu Marriage Act provided the petitioner pays entire arrears of maintenance pendente lite from the date of filing of application under Section 24 of the Hindu Marriage Act, till date.

It is not in dispute that the petitioner has already paid maintenance from 21.1.2016 to 21.1.2018 @ Rs.5,000/- per month (however, subject to final confirmation by the respondent). From 21.1.2018, the petitioner shall clear the arrears of maintenance pendente lite before the trial Court within a period of one month from today. In case the arrears of maintenance pendente lite are not cleared, the petition shall be deemed to be dismissed.

For the reasons recorded herein above, the petition under Section 13 of the Hindu Marriage Act is ordered to be

restored, however, subject to the condition as mentioned above.

Let the needful be done by the trial Court on receipt of arrears of maintenance pendente lite within a period of one month.

Petition stands disposed of accordingly.

September 10, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking **Yes/No**

Whether reportable **Yes/No**