

In the High Court of Punjab and Haryana at Chandigarh

236

CR No. 4967 of 2018 (O&M)

Date of decision: 11.1.2019

HARPAL SINGH

.....petitioner

Versus

MANJIT KAUR

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jimmy Singla, Advocate for
Mr. S.K.Bansal, Advocate,
for the petitioner.

Respondent in person through her
relative Sh.Karnail Singh.

RAJ MOHAN SINGH, J.(oral)

Petitioner has filed this revision petition against the order dated 27.4.2018 passed by the District Judge (Family Court), Barnala vide which the application filed by the respondent under Section 24 of the Hindu Marriage Act was allowed, thereby granting an amount of ₹ 10,000/- per month towards maintenance pendente lite and an amount of ₹ 5,000/- towards litigation expenses.

Notice of motion was issued by this Court on 6.8.2018 and both the parties were directed to remain present in Court on 30.8.2018.

In pursuance of the aforesaid order, both the parties

attended the Court on 30.10.2018 and following order was passed:-

“Vide order dated 06.08.2018, both the parties were directed to be present in Court. In pursuance of the said order both the parties have attended the Court proceedings.

After interaction with the parties, it has been revealed that initially the ex parte decree of divorce was granted in favour of petitioner-husband on 01.07.2017, however the same was set aside by the Family Court vide order dated 04.04.2018 against which CR No.4174 of 2018 is pending consideration in the High Court for 26.11.2018.

Adjourned to 26.11.2018.

Petitioner is directed to bring a demand draft in a sum of Rs.25,000/- in the name of respondent, payable to her on account of litigation expenses by the next date of hearing.

Both the parties are again directed to be present in Court on the date fixed.”

Perusal of the record would show that initially there was an ex parte decree of divorce granted by the trial Court in favour of the petitioner (husband) on 1.7.2017. The said ex

parte divorce was set aside by the Family Court at the instance of the respondent vide order dated 4.4.2018 against which CR No.4174 of 2018 is statedly pending in the High Court. Petitioner was directed to bring a demand draft in a sum of ₹ 25,000/- in the name of the respondent towards litigation expenses.

Respondent, who is present in Court through her relative Sh.Karnail Singh, has placed reliance upon the order dated 24.8.2018, vide which District Judge, Family Court, Barnala has dismissed the divorce petition filed under Section 13 of the Hindu Marriage Act under Order 9 Rule 8 CPC.

In view of above, it appears that the petitioner is not interested in answering the claim of the respondent towards maintenance pendente lite and litigation expenses. Hence, there is no scope for interference by this Court in this revision petition. The same is accordingly dismissed.

Respondent would be entitled to recover the amount of ₹ 25,000/- towards litigation expenses, as directed by this Court vide order dated 30.10.2018, in accordance with law.

January 11, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No