

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-30-2019 (O&M)

Date of Decision: 15.02.2019

DAVINDER SINGH MAKKAR

....Appellant

VS.

JASLEEN KAUR MAKKAR

...Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Deol, Advocate,
 for the applicant-appellant.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal is preferred by the appellant-husband against the order dated 13.10.2018 by which the application filed by the respondent-wife under Section 25 of the Hindu Marriage Act, 1955 (for short 'the Act') for claiming the maintenance for herself and her minor child has been allowed.

In brief, marriage of the parties was solemnized on 16.01.2005 as per Hindu rites and out of that wedlock, a son was born on 27.10.2005 who is living with the respondent-wife.

Respondent-wife had filed a petition under Section 13 of the Act for seeking dissolution of her marriage on the ground of cruelty. In the said petition, the appellant-husband was served in which he has put in appearance and thereafter, he chose not to appear.

An application under Section 24 of the Act was also filed by the respondent-wife in which appellant-husband did not appear and was proceeded against ex-parte. The application filed under Section 25 of the Act was also not contested by the appellant-husband for the reasons best known to him and therefore, learned trial Court vide its order dated 18.10.2018 has awarded ₹20,000/- per month as amount of maintenance to both the respondent and her minor child from the date of filing of the petition.

Learned counsel for the appellant-husband has informed the Court that even the divorce petition filed under Section 13 of the Act was also allowed on the same day i.e. 13.10.2018 and the decree has been drawn. He has also admitted that the said judgement and decree of divorce having been passed has not been challenged by the appellant-husband, meaning thereby, he is satisfied with the decree and he also does not want to live with the respondent-wife. All that has been challenged before this Court is the order by which maintenance has been fixed by the trial Court under Section 25 of the Act

Learned counsel for the appellant has submitted that if notice is issued to the respondent then there may be a settlement between the parties.

We have heard learned counsel for the applicant-appellant and after taking into consideration the aforesaid facts and circumstances, much less the fact that the appellant-husband had never contested the petitions filed either under Section 13, 24 and 25 of the Act before the trial Court, it does lie ill in his mouth to say at this stage that there is a chance of a compromise between the parties.

With these observations, we do not find any merit in this appeal, therefore, the appeal as well as the applications appended with it are hereby dismissed.

[RAKESH KUMAR JAIN]
JUDGE

February 15, 2019
Ess Kay

[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No