

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

FAO-1449-2019 (O&M)
Decided on : 19.09.2019

Ram Singh

..... Appellant

Versus

Sukhjeet Kaur

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Amit Sharma, Advocate
for the appellant.

Ms. Harmanpreet Kaur, Advocate
for the respondent.

Rajan Gupta, J.

Present appeal is directed against the order dated 05.01.2019 passed by the court below whereby the petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant has been dismissed due to non-payment of arrears of maintenance and the litigation expenses.

Appellant filed a petition under Section 13 of the Act alleging cruelty on the part of the respondent-wife. Main allegation was that he was compelled to live as ghar jawai. During the course of hearing, the appellant was directed to pay maintenance @ ₹ 8,500/- per month to the respondent from the date of filing of petition under Section 24 of the Act . He was also directed to pay ₹ 7,500/- as litigation expenses. The appellant failed to comply with this order. The amount accumulated to ₹ 2,46,500/- towards maintenance. Resultantly, the court was constrained to dismiss the petition due to non-payment of arrears of maintenance and litigation expenses.

During the course of hearing of this appeal, the appellant handed over a draft of ₹ 1.25 lakhs as maintenance and litigation expenses to the respondent. On 09.09.2019, when the case came up for hearing, this Court gave an opportunity to the appellant to clear the arrears, however, learned counsel for the appellant submitted that the appellant is ready to pay permanent alimony in case respondent agrees for dissolution of marriage.

Both parties are present in Court. Appellant, who is employed as Assistant Lineman in Punjab State Power Corporation Ltd. and also has some landed property, is not inclined to pay any substantial amount as permanent alimony.

Under the circumstances, we do not find any ground to interfere in the order passed by the court below. Accordingly, the appeal is hereby dismissed.

As the appeal stands dismissed, no separate order is required to be passed in this application bearing CMM No.162 of 2019.

Since the main appeal has been dismissed on merits, the application for condonation of delay may be deemed to be condoned.

(RAJAN GUPTA)
JUDGE

19.09.2019
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No