

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3592 of 2019

Date of Decision.29.05.2019

Rishad Bhat

...Petitioner

Vs

Seema Sharma

..Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gurmeet Singh, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The revision petition is directed against the impugned order dated 18.12.2018 (Annexure P-1) whereby the petitioner's defence in a petition filed under Section 13 of the Hindu Marriage Act filed by the wife seeking divorce on the ground of cruelty on account of non-payment of maintenance ordered under Section 24 of the Hindu Marriage Act vide order dated 09.05.2018 has been struck off.

Learned counsel appearing on behalf of the petitioner submitted that vide order dated 19.12.2017 (Annexure P-5) in a petition filed under Section 125 Cr.P.C. i.e. prior in time, the competent court had already ordered payment of ₹35,000/- as maintenance *pendente lite* and as per Annexure P-6, petitioner is paying entire arrears and few of transactions are directly made into the account of wife, therefore, the impugned order is not sustainable.

In my view, the petitioner should have moved an appropriate application for recalling of the impugned order by raising all these facts. In case such application is moved, the competent court

i.e. Family Court or the Court ceased of the matter under Section 13 of the Hindu Marriage Act shall decide the same in accordance with law.

In view of aforementioned observations, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 29, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No