

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M No. 408 of 2015 (O & M)
Date of Decision: 05.2.2019

Rupinder Singh

.....Appellant

Vs.

Palwinder Kaur

.....Respondent

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

Present: - Mr. Vikas Goyal, Advocate
for the appellant.

Mr. Amandeep Singh, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal is filed against the the judgment and decree dated 17.03.2015 passed by the learned Additional District Judge, SAS Nagar (Mohali) by which petition filed under Sections 13 of the Hindu Marriage Act, 1955 by the appellant-husband seeking dissolution of his marriage on the ground of cruelty was dismissed.

During the pendency of this appeal, the respondent-wife had filed an application bearing CMM-109-2016 under Section 24 of the Act for grant of maintenance *pendente lite* and litigation expenses. The said application was allowed vide order dated 18.1.2018 and the appellant was directed to pay ₹ 5000/- per month towards maintenance *pendente lite* from the date of filing of the application i.e. April, 2016 and also ₹ 30000/-

towards litigation expenses out of which ₹ 20000/-, already paid, were

ordered to be deducted.

It is not in dispute that the appellant is in arrears of the amount of maintenance *pendente lite* and litigation expenses which comes to ₹ 15000/-.

Learned counsel for the appellant has submitted at the bar that the appellant is unable to pay the said amount.

In view thereof, this Court has no alternative left but to strike off the defence of the appellant in view of the pre-emptory order dated 27.12.2018 vide which it was made clear that if the amount of arrears is not paid on or before the next date of hearing, the defence of the appellant would be struck off. Accordingly, the defence of the appellant is hereby struck off.

As a result thereof, the present appeal stands dismissed.

The respondent-wife would be entitled to recover the amount, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

February 05, 2019
Gurpreet

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