

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

FAO-M-92-2016 (O&M)

Date of Decision: 30.01.2019

GURMIT SINGH

..... Appellant

V/s.

NARINDER PAL KAUR

....Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL.

Present: Mr. K.B. Raheja, Advocate
for the appellant.

Mr. N.S. Chahal, Advocate,
for Mr. K.S. Chahal, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J. (Oral)

This appeal has arisen from the judgement and decree dated 11.01.2016 passed by the Additional District Judge, Ferozepur by which a petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant-husband for grant of decree of divorce was dismissed.

During the pendency of this appeal, respondent-wife had filed an application bearing **CMM-58-2018** under Section 24 of the Act for grant of maintenance *pendente lite*. The said application was allowed on 21.12.2018 with the following order:-

“This application is filed under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of maintenance pendente lite and litigation expenses.

During the course of hearing, the appellant husband had filed his affidavit in which he has categorically admitted that he owns an

Audi car bearing registration No.PB-05-AC-8899. He has also admitted that he had purchased the said car for an amount of ₹38 lakh. Further it is admitted that he has been paying EMI ₹56,000/- per month. The appellant husband has also deposed in the affidavit that he owns 16 acres of land whereas counsel for the respondent has submitted that he owns 182 kanals of land.

Keeping in view the aforesaid facts and circumstances, especially the fact that the appellant has the capacity to buy an Audi car, costing ₹38 lakh, we are of the considered opinion that he is a man of means, therefore, the maintenance pendente lite is hereby fixed at ₹20,000/- per month w.e.f the date of filing this application. Litigation expenses have already been paid, therefore, no order is required to be passed in that regard.

The application under Section 24 of the Act is allowed in the above terms.

At this stage, counsel for the appellant has submitted that he does not want to pursue this appeal. Be that as it may. We will allow him to withdraw the appeal only after he pays the maintenance pendente lite by depositing the entire amount from the date of filing of this application in the account of the respondent wife.

Counsel for the respondent wife is directed to provide the account number to the counsel for the appellant for doing the needful.

Adjourned to 30.1.2019 for the purpose of considering the request of counsel for the appellant to withdraw this appeal.”

Learned counsel for the appellant-husband has handed over a demand draft of ₹2,00,000/- to the respondent-wife who is present in Court

today towards maintenance *pendente lite* as ordered by this Court. In view thereof, he has further submitted that he may be allowed to withdraw the present appeal as nothing is required to be paid.

Learned counsel for the respondent has not raised any objection, therefore, the present appeal is hereby dismissed as withdrawn.

[RAKESH KUMAR JAIN]
JUDGE

January 30, 2019
Ess Kay

ANUPINDER SINGH GREWAL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	<i>/</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>/</i>	<i>No</i>