

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

FAO-M No.100 of 2017 (O&M)

Date of decision: 28.01.2020

Deepak

..Appellant

Versus

Rekha

..Respondent

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. S.S. Mor, Advocate
for the appellant.

Mr. Gaurav Grover, Advocate
for the respondent.

Daya Chaudhary, J. (Oral)

The appellant-husband filed a petition under Section 13 1(a) of the Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce. Said petition was dismissed vide order dated 11.11.2016 on the ground that the petitioner-husband failed to pay the balance amount of arrears of maintenance as well as litigation expenses by holding that the petitioner-husband cannot proceed further with the petition. Said order dated 11.11.2016 has been challenged before this Court by way of filing the present appeal.

Learned counsel for the appellant-husband submits that an amount of ₹2,24,000/- towards arrears of maintenance has been paid upto 06.06.2019. Learned counsel further submits that in case, any amount towards maintenance remains to be paid, the appellant is ready to pay before the lower Court.

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The factum of payment of amount towards arrears of maintenance has been admitted by learned counsel for the respondent-wife on instruction from the respondent, who is present in the Court.

The petition earlier filed by the appellant-husband was dismissed only on the ground that the amount of arrears of maintenance was not paid and now the same has been paid. Nothing was said on merits while dismissing the petition.

Accordingly, keeping in view the submission made by learned counsel for the appellant and also the fact that the amount towards arrears of maintenance has been paid, the present appeal is allowed and order dated 11.11.2016 is set-aside and the case is remanded back to the lower Court to decide the same on merits.

Parties are directed to be present before the lower Court on 06.03.2020.

(DAYA CHAUDHARY)
JUDGE

28.01.2020
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes