

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-415-2013

Date of decision 19.04.2022

Suman

....Appellant

VS

Gaurav Sharma

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Govind Ram Sharma, Advocate
for the appellant.

Mr. Saqib Ali Khan, Advocate
for the respondent.

Ritu Bahri, J. (Oral)

The present appeal has been filed against the judgment and decree dated 27.09.2013 passed by learned Addl. District Judge, Ludhiana, vide which petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short 'Act 1955') by the respondent-husband has been allowed.

Brief facts of the case are that marriage between the parties was solemnized on 14.07.2003 according to Hindu rites at Ludhiana. Out of this wedlock, a boy namely Anshul Sharma @ Ansh was born on 14.07.2004. However, due to temperamental differences between the parties, the respondent-husband filed a divorce petition under Section 13 of the Hindu Marriage Act.

This Court issued notice of motion on 21.12.2013 and during the pendency of the appeal, the appellant-wife filed CMM No. 125-2015 for grant of maintenance pendente lite and litigation expenses during the pendency of the appeal. This Court issued notice of the application on 27.07.2015 and on 29.10.2015, parties were directed to remain present in the Court for settling the

dispute amicably. The respondent filed his reply to CMM-125-2015 as well and parties did not appear. Finally on 20.11.2017 this Court allowed CMM-125-2015 and respondent was given Rs.3000/- as maintenance pendente lite w.e.f July 2015 along with litigation expenses of Rs.20,000/-. On 28.02.2018, the respondent-husband paid the entire arrears of maintenance i.e Rs.1,13,000/-. On 21.05.2019, this Court struck off the defence of the respondent on the ground that he has not paid the amount of maintenance pendente lite. Thereafter, the respondent-husband filed CM No. 18792-CII-2019 seeking recalling of order dated 21.05.2019 whereby his defence was struck off. It has been stated in the application that the appellant-wife had performed the second marriage with Jagtar Singh resident of Village Akhara, District Ludhiana and from their wedding, a son namely Yuvraj Singh was born on 13.03.2015. The copy of birth certificate and addhar card of Yuvraj Singh has been placed on record as Annexure A-4 and A-5.

No reply has been filed by the appellant to the above application making it abundantly clear that the appellant has performed second marriage with Jagtar Singh and given birth to Yuvraj Singh

It is not in dispute that the respondent-husband was granted decree of divorce on 27.09.2013 and out of the wedlock of appellant and respondent, Anshul Sharma @ Ansh was born, who is now living with the respondent. Further the appellant has now performed second marriage with Jagtar Singh and one son was born out of this wedlock namely Yuvraj Singh. In the birth certificate of Yuvraj Singh, the name of the mother has been mentioned as Suman and name of the father has been mentioned as Jagtar Singh. In the aadhar Card (A-5), the address has been mentioned as Akhara Ludhiana, Punjab

In view of the above factual position, the present appeal is

dismissed as having become rendered infructuos.

However, in case birth certificate (A-4) of Yuvraj Singh is found to be false, a liberty is granted to the appellant to file an application seeking review of this order, within a period of three months.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

19.04.2022
G Arora

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