

FAO-5042-2016 (O&M)
Date of Decision: February 20, 2023

Kewal Krishan Amrohi Appellant

Versus

Geeta Amrohi Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: None for the appellant.

Mr. Rajeev Sharma, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed by the appellant – husband challenging judgment and decree dated 09.08.2016 passed by learned Additional District and Sessions Judge, District Judge, Family Court, Ambala, whereby petition under Section 13 of the Hindu Marriage Act, 1955 (for short – ‘the Act’) filed by the respondent –wife has been allowed.

Maintenance *pendente lite* was assessed as ₹15,000/- per month w.e.f. the date of application i.e. January, 2018 vide order dated 19.07.2018 passed in this writ petition. Litigation expenses of ₹30,000/- were also awarded.

Arrears of maintenance were not cleared. Various opportunities were afforded to the appellant right from May, 2019. It is recorded in order dated 21.08.2019 that appellant had challenged order dated 19.07.2018 before the Hon’ble Supreme court. The matter was adjourned to 31.10.2019, wherein it is noted that no stay was granted against order dated 19.07.2018 and no plausible reason was forthcoming on behalf of the appellant, who is a retired DRO, for not remitting the amount of maintenance *pendente lite*. Perusal of the paper book

reveals that the matter was adjourned on number of occasions, with none appearing on behalf of the appellant on certain occasions and clear cut directions being issued to the appellant to deposit the arrears of interim maintenance.

Following order was passed on the last date of hearing i.e. 17.01.2023.:-

“ It was directed on 04.03.2022 that appellant shall clear the arrears of interim maintenance.

None appeared on behalf of the appellant on the next date of hearing i.e.26.04.2022 and the matter was yet again adjourned with the observation that in case arrears of interim maintenance are not cleared before the next date of hearing, this appeal will be dismissed. The matter was then adjourned on 29.11.2022 to enable learned counsel for the appellant to seek instructions with regard to arrears of maintenance.

Learned counsel for the respondent informs that arrears of maintenance have still not been cleared.

There is no representation on behalf of the appellant.

In the interest of justice, adjourned to 20.02.2023.

In case of non-compliance on the next date of hearing, this appeal may be dismissed on this count.”

Today, despite the matter being called twice, there is no representation on behalf of the appellant. It is further informed that arrears of interim maintenance have still not been cleared.

In this given facts and circumstances, present appeal is dismissed in default and for non prosecution.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

February 20, 2023

rts

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No