

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

207

FAO-M-198-2014 (O&M)

Date of Decision: 12.01.2023

HARJIT SINGH

... Appellant

VERSUS

MANJIT KAUR

....Respondent

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

Present: Mr. Shivender Pal, Advocate
for the appellant.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Deepinder Singh, Advocate
for the respondent.

LISA GILL, J.(Oral)

This appeal has been filed by the appellant-husband challenging judgment dated 22.03.2014 passed by learned District Judge, Moga whereby appellant's petition under Section 13 of Hindu Marriage Act has been dismissed.

It was agreed between the parties that maintenance pendente lite would be paid to the respondent at the rate of Rs.5000/- from the date of application dated 04.07.2015 filed in this appeal. This is so recorded in the order dated 28.01.2016 passed in this appeal. When the appellant did not deposit the arrears of maintenance, CM-21909 CII-2016 was filed by the respondent. It is recorded in order dated 22.11.2016 passed in this matter that the respondent who came present in Court stated that in case the bank account particulars are furnished by the respondent, the entire arrears of maintenance would be deposited. However, the appellant-husband did not clear all the arrears.

Thereafter, CM-1396-CII-2017 was filed by the respondent seeking dismissal of the appeal on the ground of non-payment of arrears

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of maintenance. While issuing notice in the application on 06.03.2017, it was directed that arrears of maintenance, if any, as ordered, be deposited by the appellant-husband before the date fixed. Time was then sought on behalf of the appellant for clearing the arrears of maintenance on 30.03.2017. After availing various opportunities on 20.03.2018, it was informed by the learned counsel for the appellant that the entire arrears have already been cleared though the same was controverted by the counsel for the respondent that a sum of Rs.9,000/-was still due. It was again directed that the maintenance pendente lite be paid regularly by the 10th of each month in advance. It appears that the appellant was yet again in arrears of maintenance pendente lite as is recorded in order dated 03.10.2019.

Learned counsel for the respondent submits that the appellant is still in arrears of maintenance for a sum of Rs.2,17,000/- as on 08.01.2023. It was noted on the last date of hearing i.e.17.10.2022 that learned counsel for the appellant did not have any instructions and nor was ready with the arguments. Today again learned counsel for the appellant submits that he has no instructions in this matter and neither he is able to inform as to whether the arrears of maintenance have been cleared.

In view of the facts and circumstances noted above, this appeal is dismissed for non-prosecution.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

12.01.2023
Rimpal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No