

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

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**FAO-M-240-2016 (O&M)
Date of Decision: 01.03.2023**

SARDAR MANMOHAN SINGH

... Appellant

VERSUS

RAVINDER KAUR

....Respondent

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

Present: Mr. Vipin Mahajan, Advocate
for the appellant.

Mr. D. R. Singla, Advocate and
Mr. Sanjeev Kumar, Advocate
for the respondent.

LISA GILL, J.(Oral)

This appeal has been filed by the appellant-husband challenging judgment and decree dated 11.02.2016 passed by Additional District Judge, Chandigarh whereby petition under Section 13 of the Hindu Marriage Act filed by him has been dismissed.

Maintenance *pendente lite* was assessed at the rate of Rs.20,000/- per month payable from the date of application i.e. May, 2017 vide order dated 10.10.2017 passed in this appeal. The amount of Rs.4500/- per month awarded under Section 125 of the Code of Criminal Procedure was directed to be adjusted from the arrears and future amount of maintenance as determined. The appellant was stated to be in arrears of maintenance to the tune of Rs.5,26,500/- as on the date of filing of the application in February 2022. Notice of the application was issued to the appellant and various opportunities were afforded to the appellant to file his reply to the said application while

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clarifying specifically in order dated 02.06.2022 and 29.10.2022 that all arrears of maintenance should be cleared. However, neither reply to application has been filed nor were arrears of maintenance cleared on which following order was passed on 13.02.2023:-

“Reply to CM-2376-CII-2022 has not been filed.

Learned counsel for the non-applicant/ appellant prays for one last opportunity to file reply.

It is brought to our notice that arrears of maintenance have still not been cleared. In case, arrears are not cleared by the next date of hearing, this appeal may stand dismissed on this ground.

At request, adjourned to 01.03.2023.”

Learned counsel for the appellant submits that despite sending registered letters to the appellant besides e-mails he has not received any response, therefore, he pleads no instructions.

Keeping in view the facts and circumstances, this appeal is dismissed for non-prosecution.

Pending applications, if any, stand disposed of accordingly.

Needless to say the respondent-wife has the right to recover the arrears in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

01.03.2023

Rimpal

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