

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

FAO-M-184-2017

Date of decision: 06.07.2023

Ajay Pal

....Appellant

Versus

Urmila

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Praagbir S. Dhindsa, Advocate for
Mr. Y.P. Khullar, Advocate
for the appellant.

Mr. Sumit Gujjar, Advocate for
Mr. Ravi Malik, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

Notice to the respondent-wife was issued subject to the appellant paying an amount of Rs.25,000/- as an interim litigation expenses on 22.11.2017 in the shape of bank draft in the name of the respondent.

On 24.04.2018 Mr. S.K. Panwar, Advocate appeared on behalf of the respondent and the parties were directed to appear before the Mediation and Conciliation Centre of this Court and a sum of Rs.25,000/- towards interim litigation expenses was ordered to be paid to the respondent before the Mediator on the adjourned

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date i.e. 10.05.2018. But no payment was made to the respondent. Mediation proceedings could not fructify.

It appears that none appeared on behalf of the respondent during mediation proceedings as nothing was paid to the respondent-wife. Even the appellant stopped appearing before the Mediator on number of occasions and the case was referred back to the High Court on 08.10.2018. On 03.12.2018, learned counsel for the appellant sought time to make payment of Rs.25,000/- towards litigation expenses on the next date of hearing i.e. on 14.03.2019. The payment was not made and on 24.07.2019 also, learned counsel for the appellant sought more time to remit the aforesaid amount of Rs.25,000/- in favour of the respondent.

Despite number of opportunities, the amount was not paid by the appellant and ultimately vide order dated 15.11.2019 the defence of the appellant was struck off. Even thereafter, on two dates i.e. 23.01.2020 and 14.09.2022; the case was adjourned in order to enable the appellant to pay litigation charges amounting to Rs.25,000/- but till date, no such payment has been made.

In view of aforesaid facts and circumstances of the case, we find that this Court has no alternative but to dismiss this appeal for non-prosecution. Ordered accordingly.

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Liberty is given to the respondent to seek recovery of the
aforesaid amount i.e. Rs.25,000/- in accordance with law.

**(RAJ MOHAN SINGH)
JUDGE**

**(HARPREET SINGH BRAR)
JUDGE**

06.07.2023
Neha

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