

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1454 of 2024
Date of Decision: 27.03.2024

Rajesh Kumar
..... Appellant

Versus

Usha Devi
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ
HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Kartik Khicher, Advocate
for the appellant.

RAJESH BHARDWAJ, J. (ORAL)

The present appeal has been filed impugning order dated 28.02.2024 wherein the Additional Principal Judge (Family Court), Hisar has imposed a cost of Rs.5000/- on the appellant.

It has been submitted by learned counsel for the appellant that marriage between the appellant and respondent was a love marriage. However as the relationship between both of them turned sour, the petition under Section 13 of the Hindu Marriage Act has been filed by the appellant. He has submitted that pleadings in the petition filed are completed and the case was fixed for 28.02.2024 for final arguments. He submits that though the appellant filed an application for an adjournment before the Family Court, however without considering the same, the learned Family Court adjourned the case by imposing cost of Rs.5000/-, which is totally unsustainable in the facts and circumstances of the case. He submits that the learned Family Court has imposed the cost on the appellant by assuming that appellant is spending huge amount on the litigation, which is totally against the evidence on record. He

submits that the impugned order being unsustainable in the eyes of law, deserves to be set aside.

Heard.

On hearing learned counsel for the appellant and perusing the record, it is apparent that proceedings under Section 13 of the Hindu Marriage Act are pending between the appellant and respondent. Perusal of the record would show that the appellant had sought repeated adjournments in the proceedings pending before the learned trial Court which were opposed by learned counsel for the respondent. The appellant had filed applications for adjournments on 31.08.2023, 22.09.2023, 16.10.2023, 14.11.2023, 08.12.2023, 15.12.2023, 29.01.2024 and 12.02.2024 as is evident from the record. Thus, the Family Court, in the interest of justice, granted one more adjournment by fixing the case for hearing on 27.03.2024, subject to cost of Rs.5000/ to be given to the respondent by the appellant.

In view of the facts and circumstances of the case, this Court does not find any infirmity in the impugned order passed and thus, the present appeal being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

(DEEPAK GUPTA)
JUDGE

27.03.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No