

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6442 OF 2011

JASBIR KAUR

APPELLANT (S)

VERSUS

SATBIR SINGH

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

The appellant approached this Court, aggrieved by the order dated 25.11.2009 passed by the High Court of Punjab and Haryana at Chandigarh in F.A.O. No.276-M of 2005, whereby the marriage between the appellant and the respondent was dissolved by a decree of divorce.

2. Since the appellant was appearing in person, we sought the assistance of Mr. Rana Mukherjee, learned senior counsel as Amicus Curiae.

3. After hearing the parties and the learned amicus curiae, this Court on 10.08.2016 passed the following order:

"Both the parties are present in Court

today.

We have heard learned Amicus Curiae appearing for the appellant-wife as well as learned counsel appearing on behalf of the respondent-husband.

It is very clear that the parties are no more interested in maintaining their relationship. The only question left for consideration is whether decree of divorce as granted by the High Court should be disturbed or not.

Having heard learned counsel for both the parties, we are of the view that decree of divorce granted as per the impugned order passed by the High Court should be affirmed.

However, we are informed that the question of interim maintenance is pending before the District Judge/Family Court, Jalandhar, Punjab. It is seen from the proceedings that neither the District Judge/Family Court nor the High Court has addressed the issue of alimony. Therefore, we direct the District Judge/Family Court, Jalandhar, Punjab to conduct an inquiry with regard to the permanent alimony and pass an order in that regard and also conclude the pending proceedings on maintenance positively within a period of three months from the date of production of copy of this order by either side before the District Judge/Family Court, Jalandhar, Punjab.

Both the parties are directed to appear before the District Judge/Family Court, Jalandhar, Punjab on 29th August, 2016 at 11.00 a.m.

The District Judge/Family Court, Jalandhar, Punjab is directed to forward a copy of the order thus passed, within the aforesaid period, to this Court.

In view of the fact that the respondent has appeared in Court, the warrant issued for securing his presence is recalled.

Post this matter after four months."

4. The appellant has filed an interlocutory application praying that the inquiry on alimony may be conducted either by the High Court or this Court. The inquiry regarding the alimony is to be conducted by the Family Court and not by the High Court or this Court. We have already directed the Court of competent jurisdiction, namely, the Family Court, Jalandhar, Punjab to conduct the appropriate inquiry and pass the required orders.

5. In that view of the matter, nothing survives to be adjudicated in this appeal. The appeal is hence disposed of in terms of the order extracted above and with a further direction to the District Judge/Family Court, Jalandhar, Punjab to pass final orders on the directions issued by this Court regarding alimony, within a period of three months from the date of production of a copy of this judgment before the District Judge/Family Court by the appellant.

6. We place on record our deep appreciation for the assistance rendered by Mr. Rana Mukherjee, learned senior counsel, as Amicus Curiae.

7. Pending application(s), if any, shall stand disposed of.

8. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 24, 2017.

SUPREME COURT OF INDIA



JUDGMENT