

Ram Narain Vs. Dropadi Devi

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Court : Delhi

Decided On : Aug-30-1982

Reported in : AIR1983Delhi346; 1983(4)DRJ79; 1983RLR4

Judge : Sultan Singh, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 24

Appeal No. : First Appeal No. 135 of 1981

Appellant : Ram Narain

Respondent : Dropadi Devi

Advocate for Pet/Ap. : B.S. Singh, Adv

Judgement :

Sultan Singh, J.

(1) The appellant-husband filed a petitioner under Section 13(l)(i) of the [Hindu Marriage Act, 1955](#) (hereinafter referred to as 'The Act') on the ground that his wife-respondent No. 1 had been living in adultery with respondent No. 2. His petition was dismissed by the Additional District Judge on 31st January, 1981. Hence he filed this first appeal under Section 28 of the Act The wife filed an application (C.M. No. 3304 of 1981) for maintenance and litigation expenses for this appeal. By order dated 1st February, 1982 the appellant was directed to pay

Rs 500.00 as litigation expenses besides maintenance for the respondent and their five children at Rs.. 450.00 per month. Various opportunities were granted to the appellant to pay the litigation expenses and maintenance but he failed. The appellant is represented by a counsel. The respondent wife is not in a position to engage a counsel unless litigation expenses are paid. Failure to comply with order under Section 24 of the Act is intentional. If the appellant does not pay litigation expenses and maintenance to the respondent his appeal cannot be heard. It would be an injustice to the respondent if the appeal is heard in the absence of a counsel for her. The order directing the appellant to pay litigation expenses and maintenance to the respondent-wife under Section 24 of the Act is in the nature of a step for the prosecution of the appeal. As the appellant has not complied with the said order, the appellant cannot be heard in support of his appeal. The appeal is accordingly dismissed with costs

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