

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO (FC) No. 63 of 2024

Date of Decision: 06.07.2026

Ranjana

....Appellant

Versus

Pawan Kumar

....Respondents

Coram

Hon'ble Mr Justice Vivek Singh Thakur, Judge.

Hon'ble Mr Justice Ranjan Sharma, Judge.

Whether approved for reporting?'

For the Appellant : Mr. Devender K. Sharma, Advocate.

For the Respondents : Respondent proceeded against *ex parte*,
vide order dated 25.11.2025.

Vivek Singh Thakur, Judge (oral)

This appeal has been preferred by the appellant-wife, Ranjana, against the order dated 29.10.2024 passed by the Additional Principal Judge, Family Court, Hamirpur, District Hamirpur, H.P., in Petition No. 35 of 2024, titled *Pawan Kumar Vs. Ranjana*, on filing of an application by respondent-husband under Section 24 of the Hindu Marriage Act, whereby an amount of Rs.3,000/- per month has been awarded as maintenance *pendente lite*, payable by the wife to the husband.

2. It is apt to record that the petition under Section 13(1) of the Hindu Marriage Act, 1955, seeking dissolution of marriage, had been preferred by the respondent-husband, wherein the respondent-

husband had also filed an application under Section 24 of the Hindu Marriage Act against the appellant-wife, order passed wherein is under challenge before us.

3. Respondent was duly served but has not chosen to contest the present matter despite service. Accordingly, he was proceeded against *ex parte* on 25.11.2025. Thereafter, the matter was listed on several occasions, however, no one came forward to represent the respondent, which indicates that the respondent-husband is not interested in contesting this appeal.

4. Learned counsel for the appellant has also produced a printout of the order dated 18.08.2025, whereby the main petition preferred by the respondent-husband before the Family Court under Section 13(1) of the Hindu Marriage Act for dissolution of marriage stands dismissed in default on account of the absence of the parties because despite calling the case repeatedly before lunch and thrice after lunch, no one came forward to represent either party.

5. Learned counsel for the appellant has further placed on record a copy of the order dated 12.01.2017 passed by Additional Chief Judicial Magistrate, Court No. 1, Sarkaghat, District Mandi, H.P., in proceedings under Section 125 of the Cr.P.C., titled *Kumari Ranjana Vs. Pawan Kumar*, whereby the wife (the present appellant) was awarded maintenance at the rate of Rs.2,500/- per month, payable by the

respondent-husband. According to the learned counsel for the appellant, the said order has attained finality, as it was never assailed by the respondent.

6. In the aforesaid circumstances, we are of the considered view that the respondent-husband was not, and is not, entitled to *pendente lite* maintenance from his wife, who has already been held entitled to pay maintenance at the rate of Rs.2,500/- per month under Section 125 of the Cr.P.C. in separate proceedings. Therefore, the impugned order is set aside with the observation that, in the given facts and circumstances and in view of the material placed before us, the respondent-husband is not entitled to maintenance from the present appellant, i.e. his wife, much less the *pendente lite* maintenance as awarded by the Family Court.

7. Accordingly, the appeal is allowed and disposed of.

Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Vivek Singh Thakur)
(Judge)

(Ranjan Sharma)
(Judge)

06th July, 2026
(Shamsh Tabrez)
