

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6336 of 2023

Applicant :- Braj Bhan Singh

Opposite Party :- Rupali Saxena Dixit, Additional Principal Judge
Family Court

Counsel for Applicant :- Jai Singh Yadav

Hon'ble Rohit Ranjan Agarwal,J.

This Court on 28.02.2023 in Application U/S 482 No. 6382 of 2023 passed the following order:-

"Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant to quash the order dated 5.9.2022 and recovery warrant dated 17.11.2022 passed by Additional Principal Judge, Family Court, Moradabad as well as the entire proceedings of Execution Case No. 194 of 2021 (Smt. Shashibala and another Vs. Brijbhan Singh) under Section 125 Cr.P.C.

The case of the applicant is that he was directed to pay family maintenance of Rs. 3,000/- per month to opposite party no.2 vide order dated 30.6.2015. Upon non-payment of the family maintenance as awarded, the opposite party no.2 filed an application u/S 125(3) Cr.P.C. before the Principal Judge, Family Court for recovery of Rs. 2,64,000/-. However, it is urged that the applicant had already deposited a sum of Rs.72,400/- in favour of opposite party no.2. It is submitted by learned counsel for the applicant that the applicant is ready and willing to pay the entire amount due after adjustment of the amount which he has already deposited, provided some time may be granted to him, to which learned A.G.A. has no objection.

In view of the above statement, the applicant is directed to pay the entire amount due, after adjustment of the amount, which he has already deposited, within 15 days from today. It is further directed that the family maintenance as awarded by the court below shall be paid concurrently.

For the period of 15 days from today, no coercive measures shall be taken against the applicant pursuant to impugned orders dated 5.9.2022 and 17.11.2022.

In case of any default by the applicant in payment of the aforesaid amount as directed above, the protection granted, hereinabove, shall stand discharged automatically and the opposite parties would be at liberty to take necessary steps against the applicant, in accordance with law.

List immediately after 15 days before the appropriate Bench"

From perusal of the order, it is clear that 15 days' time was given to applicant to comply the order and pay the awarded amount to his wife.

As the applicant himself has not complied the order passed by writ Court, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.

Sri Sudhir Mehrotra, Advocate has appeared on behalf of Allahabad High Court.

Order Date :- 3.11.2023

V.S.Singh