

2026:PHHC:090078



106

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCP-2949-2026 (O&M)
Date of Decision: 03.07.2026

Kamalpreet Kaur Virk

..... Petitioner

Versus

Guntas Singh Randhawa

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Puneet Bali, Senior Advocate assisted by
Mr. Prateek Gupta, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

The present contempt petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971, alleging willful and deliberate disobedience of the orders dated 27.05.2025 (Annexure P-2) and 22.07.2025 (Annexure P-4) passed by this Court in TA No.1559 of 2024 and CM No.12653-CII-2025, respectively.

2. Briefly, the petitioner, namely Kamalpreet Kaur Virk, is stated to be the legally wedded wife of the respondent, namely Guntas Singh Randhawa. The marriage between the parties is stated to have been solemnized on 21.12.2013 and out of the said wedlock, one daughter, namely Anaika Kaur Randhawa, was born on 26.09.2020 at Chandigarh, who is stated to be in the sole care and custody of the petitioner.

2.1 It appears that on account of matrimonial discord, the

respondent-husband instituted a petition under Section 13 of the Hindu Marriage Act, 1955, seeking dissolution of marriage before the competent Court at Chandigarh. It further transpires that the petitioner is a resident of Nawanshahr (Shaheed Bhagat Singh Nagar), which is stated to be at a distance of about 90 kms. from Chandigarh. Accordingly, the petitioner filed Transfer Application No.1559 of 2024, seeking transfer of the aforesaid divorce petition from the Courts at Chandigarh to the Court of competent jurisdiction at Nawanshahr (Shaheed Bhagat Singh Nagar).

2.2 In the aforesaid transfer application, notice was issued by this Court, whereupon the respondent appeared and filed his reply.

2.3 During the pendency of the aforesaid transfer application before this Court, it appears that both the parties expressed their desire to part ways. However, the petitioner herein put forth a claim that since the respondent-husband owns two residential houses, one at Chandigarh and the other at Delhi, she would be satisfied if one residential house, either at Chandigarh or at Delhi, is provided to her, as she is also taking care of the minor daughter. It appears that the respondent-husband sought time to consider the aforesaid offer made by the petitioner. In the backdrop of the aforementioned circumstances, this Court passed the order dated 27.05.2025 (Annexure P-2), which reads as under:-

“ It is submitted by the counsel for the applicant that at the time of interaction between the parties, during the pendency of the present application, seemingly, the respondent was interested in seeking divorce. As such, he makes an offer that, in view of the desire of the respondent, the applicant is also ready for parting ways. However, he submits that the respondent has two residential houses, one in Chandigarh and other in Delhi and the applicant shall be satisfied, if she is

provided with one house, either at Chandigarh or Delhi, as she is also taking care of the child.

However, the counsel for the respondent submits that the offer so made, requires to be considered by the respondent, who is present in the Court today.

In the given circumstances, when both the sides are ready for amicable settlement by seeking dissolution of marriage by mutual consent, for the settlement of terms, the respondent is hereby directed to file an affidavit, with regard to detail of the properties, owned by the respondent, as well as his parents. Similar affidavit be also filed, at the behest of the applicant, with regard to ownership of any properties by her.

Adjourned to 10.07.2025.

To be shown in the urgent list.

Interim order to continue, till the next date of hearing.”

2.4 It further transpires that the respondent-husband filed an application bearing CM No.12653-CII of 2025 in the aforesaid transfer application, i.e. TA No.1559 of 2024, seeking recall/modification of the order dated 27.05.2025 (as extracted hereinabove).

2.5 The aforesaid application came to be dismissed by this Court vide order dated 22.07.2025 (Annexure P-4), and the main case was adjourned.

2.6 It is a matter of record that the present petitioner also filed another transfer application, bearing TA No.556 of 2025, seeking transfer of a Civil Suit, i.e. CS/537/25, from the Court at Chandigarh to the Court of competent jurisdiction at Nawanshahr (Shaheed Bhagat Singh Nagar).

2.7 Both the aforesaid transfer applications, i.e. TA No.1559 of 2024 and TA No.556 of 2025, were ultimately allowed by this Court vide order dated 23.07.2025 (Annexure P-6), whereby both the cases, i.e. the divorce petition bearing HMA No.945 of 2024 and the civil suit bearing

CS/537/25, filed by the respondent-husband against the petitioner-wife, namely Kamalpreet Kaur Virk, were transferred from the Courts at Chandigarh to the Court of competent jurisdiction at Nawanshahr (Shaheed Bhagat Singh Nagar).

3. In the aforementioned circumstances, the petitioner has filed the instant contempt petition alleging non-compliance of the orders dated 27.05.2025 (Annexure P-2) and 22.07.2025 (Annexure P-4), whereby the petitioner as well as the respondent were directed to file their respective affidavits disclosing the details of the properties owned by them.

4. I have heard learned senior counsel for the petitioner and perused the paper book with his able assistance.

5. Apparently, the petitioner alleges violation of the interim orders dated 27.05.2025 (Annexure P-2) and 22.07.2025 (Annexure P-4) passed in Transfer Application No.1559 of 2024, whereby a direction was issued to the petitioner-wife as well as the respondent-husband to file their respective affidavits disclosing the details of the properties owned by them.

6. It is required to be noticed here that the aforesaid direction was issued to the parties primarily in view of the fact that they had expressed their desire to part ways. However, since the matter did not proceed any further on that count, this Court ultimately allowed both the aforementioned transfer applications, i.e. TA No.1559 of 2024 and TA No.556 of 2025, whereby the two cases, i.e. the divorce petition bearing HMA No.945 of 2024 and the civil suit bearing CS/537/25, filed by the respondent-husband before the Courts at Chandigarh, were transferred to the Courts of competent jurisdiction at Nawanshahr (Shaheed Bhagat Singh Nagar), vide final order dated 23.07.2025 (Annexure P-6).

7. This Court in ***“Kirpal Singh and others Versus Satish Kumar Sabharwal and others” 2007 (3) R.C.R. (Civil) 787***, has observed that a contempt petition alleging violation of an interim order is not maintainable once the main matter stands finally decided, as the interim order merges with the final order. The relevant extract thereof reads as under:-

*“6. Having heard learned counsel for the parties at some length, I do not find that the present contempt petition can proceed further in view of the fact that interim order has come to an end with the dismissal of writ petition on 4.5.2006. This Court in **Darshan Singh v. Sadha Singh and others, (2002-2)131 PLR 681**, relying upon **State of Bihar v. Rani Sanobati Kumari, AIR 1961 Supreme Court 221** and a Division Bench judgment of this Court in **Rashpal Singh v. Gurdarshan Singh, AIR 1985 Punjab and Haryana 299**, held that neither initiation nor continuation of proceedings under Order 39 Rule 2(3) now Rule 2-A of the Civil Procedure Code, 1908, (hereinafter to be referred as "the Code") would be competent after the injunction had been vacated by virtue of the dismissal of the suit. In the instant case, since the contempt petition is in respect of an interim order passed in the writ petition which has since been dismissed, therefore, the petitioner cannot make a grievance against such an interim order.”*

8. Further, the Hon’ble Supreme Court in ***“Prem Chandra Agrawal Vs. Financial Corp.” 2009 (11) SCC 479***, observed as under:-

“4. It is a well-settled principle that once a final order is passed, all earlier interim orders merge into the final order, and the interim orders cease to exist.”

9. Therefore, in the attending circumstances, in my considered view, the interim orders dated 27.05.2025 (Annexure P-2) and 22.07.2025 (Annexure P-4), non-compliance whereof is being alleged in the instant contempt petition, stood merged in the final order dated 23.07.2025

(Annexure P-6), wherein there is no direction to the parties to disclose their assets, accordingly, the instant contempt petition is not maintainable.

10. That apart, it is also not disputed before this Court that the petitioner, namely Kamalpreet Kaur Virk, has already filed an application (Annexure P-7) under Section 24 of the Hindu Marriage Act, 1955, seeking *maintenance pendente lite* for herself and her minor daughter, along with litigation expenses and other reliefs. Furthermore, the petitioner has also filed another application (Annexure P-8) seeking a direction to the respondent-husband to furnish his affidavit in terms of the judgment of the Hon'ble Supreme Court in "**Rajnesh vs. Neha**", (2021) 2 SCC 324. In case of **Rajnesh** (*supra*), the following observations were made by the Hon'ble Supreme Court in paragraphs No.131 to 136 thereof:-

“VI. Final Directions

130. In view of the foregoing discussion as contained in Part B - I to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

(i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or set-off, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding;

(ii) *it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;*

(iii) *if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.*

(b) *Payment of Interim Maintenance*

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court/District Court/Magistrates Court, as the case may be, throughout the country.

(c) *Criteria for determining the quantum of maintenance*

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B - III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) *Date from which maintenance is to be awarded*

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B - IV above.

(e) *Enforcement/Execution of orders of maintenance*

136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and section 128 of Cr.P.C., 1973 as may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC, more particularly Sections 51, 55, 58, 60 r.w. Order 21.”

11. In view of the above discussion, no further orders are required to be passed in the present contempt petition and the same is, accordingly, disposed of.
12. All the pending application(s), if any, shall also stand closed.

03.07.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No