

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM No. 19208-CII of 2015 in
COCP No. 1061 of 2015
Date of Decision: -21.9.2015

Suryasnata Das and anotherPetitioners

vs.

Nishikant DasRespondent

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: - Mr. Deepak Bashta, Advocate for
the petitioners

Mr. Neeraj Kumar Jain, Sr. Advocate with
Mr. Ashish Gupta and Gagan Gupta, Advocates for
respondent.

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Rakesh Kumar Jain, J (Oral)

The petitioners have invoked the provisions of the Contempt of Courts Act, 1971 (for short the 'Act') for the alleged willful disobedience by the respondent of the interim order dated 11.12.2014 passed by this Court, which reads as under: -

“Learned counsel for the petitioners submits that although the annual income of the respondent is Rs. 1.26 crores (annual package) as per his statement before learned Magistrate, a paltry sum of Rs. 50,000/- has been granted as a maintenance for the child only. It is further stated that no maintenance has been awarded to the petitioner-wife on account of the fact that she herself is earning. The learned counsel submits that the gross earning of the petitioner is Rs. 1,50,000/- per month and hence there is wide disparity in the income of the husband and wife, warranting enhancement of maintenance of the child and appropriate maintenance for the petitioner. Learned counsel for the respondent submits that he

has received instructions from his client that he is willing to increase the maintenance of the child from Rs. 50,000/- per month to Rs. 1,00,000/- per month subject to the outcome of this petition. Learned counsel for the respondent and petitioner shall file their separate affidavits indicating their gross income as well as the deductions and the net amount payable.”

Learned counsel for the petitioners has submitted that the respondent, through his counsel had undertaken to increase the maintenance, to be paid to the minor girl child from ₹ 50,000/- to ₹ 1.00 lacs per month, subject to the outcome of the criminal revision petition. It is further submitted that respondent, acting upon the aforesaid undertaking, paid another sum of ₹ 50,000/- in the month of December itself. Thereafter, stopped the payment of extra ₹ 50,000/- and made respondent liable for punishment, in terms of the aforesaid Act for committing breach of his own undertaking.

Learned counsel, appearing for respondent, has submitted that the petitioner No.1 has mis-interpreted the order passed by this Court as the counsel for the respondent, who had appeared in the criminal revision has only made an offer to increase the maintenance and it was not actually an undertaking. It is also submitted that the respondent had never acted upon the said offer as the amount of ₹ 50,000/- was paid on 31.12.2014 as he has been doing it every year before his daughter's birthday. It is also submitted that he is still ready and willing to pay an amount of ₹ 50,000/-, over and above ₹ 50,000/-, from January 2015 till today in lumpsum, which may be ordered to be deposited in fixed deposit account of his minor-daughter and be not used by petitioner No. 1 for her own purposes.

Learned counsel for the petitioners submits that he has no objection to the same but this order may be made subject to final outcome of the criminal revision.

In view of the aforesaid agreement arrived at between the parties, present petition is hereby disposed of with a direction to the respondent to deposit a sum of ₹ 50,000/-, over and above ₹ 50,000/-, being already paid, calculated from the month of January 2015 till the month of September 2015 which comes to ₹ 4,50,000/-, in the account of the minor-daughter by way of fixed deposit. It is further ordered that the said amount shall not be withdrawn by the wife of the respondent till the main criminal revision is decided. Petitioner No. 1 shall co-operate with respondent in opening of the account in the Bank in the name of the minor-daughter, if it is already not there, in which the respondent shall deposit the aforesaid amount. It is also made clear that respondent shall keep on depositing the amount of ₹ 50,000/- over and above ₹ 50,000/-, already being paid till the main proceedings are not concluded but the said amount shall not be used by petitioner No. 1 and be deposited in the bank account of the minor daughter and converted into the fixed deposit.

In view of the above said directions, present petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

21.9.2015
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