

In the High Court of Punjab and Haryana at Chandigarh.

**COCN No. 2272 of 2014 (O&M)
Decided on 03.3.2015**

Sukhwant Kaur and others

--Petitioners

Vs.

Balwant Singh

--Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. PPS Duggal, Advocate, for the petitioners

Mr.M.S.Bedi, Advocate, for the respondent

Rakesh Kumar Jain,J: (Oral)

CM No.4673-CII of 2015

Application is allowed and reply is taken on record.

COCN No.2272 of 2014

This petition is against the order dated 30.10.2013 by which the respondent has been directed to pay ₹2000/- per month as interim maintenance to petitioner No.1 and ₹1500/- each to petitioners No. 2 and 3 from the date of filing of the petition i.e. 09.4.2012. Since the aforesaid amount has not been paid, therefore, provisions of Section 10 and 12 of the Contempt of Courts Act, 1971 have been invoked alleging willful disobedience on the part of the respondent.

Learned counsel for the respondent submitted that the petitioners had also filed an execution application in terms of the provisions of the Cr.P.C for the purpose of getting maintenance, therefore, the present petition is not maintainable.

After hearing learned counsel for the parties and considering the material available on record, I am of the considered opinion that the present petition is totally frivolous as not only the petitioner has filed execution of the order dated 30.10.2013 before the competent authority but also provisions of the Act cannot be invoked for the purpose of executing the order of the Judicial Magistrate Ist Class.

In view of the above, the present petition is dismissed.

Rule is discharged.

03.3.2015
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(Rakesh Kumar Jain)
Judge