

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2309-2013

Date of decision: 14.09.2015

Hakim Singh

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Kunal Dawar, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

Present criminal revision petition is directed against the impugned judgment dated 24.05.2013, passed by learned Additional Sessions Judge, Faridabad, whereby appeal filed by the petitioner against the order dated 24.01.2011 passed by the learned Judicial Magistrate 1st Class, Faridabad, directing the petitioner to pay an amount of Rs.15,000/- as monthly maintenance to the respondent-wife, under the Protection of Women from Domestic Violence Act, 2005, was partly allowed, reducing the quantum of maintenance from Rs.15,000/- to Rs.9,000/- per month.

Notice of motion was issued vide order dated 25.07.2013 and in the meantime, petitioner was directed to pay the entire arrears of maintenance @ Rs.6,000/- per month to the respondent-wife and he was further directed to file compliance affidavit in this regard, before the next date of hearing. Petitioner was also directed to bring an amount of Rs.10,000/- by way of bank draft in favour of the respondent-wife, towards litigation expenses.

When the case came up for hearing on the next date of hearing i.e. 09.10.2013, learned counsel for the petitioner sought and was granted another opportunity to ensure meticulous compliance of the order dated 25.07.2013. However, the entire amount was still not paid by expressing his inability to pay the total amount and the petitioner was directed to deposit at least Rs.75,000/-, out of the remaining arrears and bring a bank draft of the said amount in favour of the respondent-wife on the next date of hearing. This order was passed on 31.10.2013. Thereafter, case was taken up on 27.01.2014 and learned counsel for the petitioner sought another opportunity to comply with the directions issued vide abovesaid order dated 31.10.2013, which was granted to him.

When the petitioner did not pay the arrears of maintenance in compliance of the order dated 31.10.2013, he was directed to pay the entire outstanding amount of arrears, in terms of notice of motion order dated 25.07.2013, vide order dated 06.05.2014, adjourning the case for 11.07.2014. Thereafter, the case was taken up for hearing on 11.07.2014 and petitioner was granted another opportunity to comply with the order dated 06.05.2014,

adjourning the case to 25.07.2014. He did not comply with the order and vide order dated 11.11.2014, case was again adjourned to 19.12.2014. Thereafter, on 19.12.2014 and 10.04.2015, time was sought, which was granted.

On 10.08.2015, following order was passed by this Court, while adjourning the case for today: -

“While issuing notice of motion on 25.7.2013, this Court passed the following order:-

“Learned counsel for the petitioner relies upon salary certificate (Annexure P-1) of respondent No.2-Saroj Rani to contend that she is getting carry home salary of Rs.18,971.21/- which has not been taken into consideration by the learned Appellate Court.

Notice of motion for 09.10.2013.

In the meanwhile, petitioner is directed to pay the entire arrears of maintenance @ Rs.6000/- per month to respondent No.2 and file a compliance affidavit in this regard on the next date of hearing. The petitioner is also directed to bring a demand draft of Rs.10,000/- favouring respondent No.2 towards litigation expenses on the next date of hearing”.

On the next date of hearing, i.e. 9.10.2013, last opportunity was granted to the petitioner to ensure compliance of the previous order dated 25.7.2013, adjourning the case for 31.10.2013. On 31.10.2013, following order was passed by this

Court:-

“Learned counsel for the petitioner has handed over the draft of Rs.10,000/- bearing DD No.638705 dated 29.10.2013 drawn at State Bank of India, Faridabad as litigation expenses and has also handed over another cheque for Rs.36,000/- bearing No. 511012 dated 30.10.2013 drawn at State Bank of India to counsel for respondent No.2. The rest of the amount of arrears for maintenance in terms of order dated 25.07.2013 has not been paid.

Last opportunity is granted to the petitioner.

Learned counsel for the petitioner submits that it will not be possible to deposit entire arrears of maintenance in one go.

Petitioner is directed to deposit at least Rs.75,000/- out of the remaining arrears and bring bank draft of the said amount in favour of the respondent-wife on the next date of hearing.

No further request for adjournment shall be granted.

List on 27.01.2014.”

Thereafter as many as six opportunities have been granted to the petitioner to ensure compliance of the order dated 25.7.2013 but the said order was not complied by the

petitioner so far.

Learned counsel for the petitioner submits that some amount has been paid thereafter but there is nothing on record to confirm this fact.

In view of the above, one last and final opportunity is granted to the petitioner to bring the entire amount on account of arrears by way of bank draft in the name of the respondent-wife on the next date of hearing.

Learned counsel for the petitioner as well as learned counsel for the respondent shall also file their respective statement of accounts to show how much amount has been paid and how much amount is outstanding against the petitioner.

List on 14.9.2015.”

Learned counsel for the petitioner submits that orders passed by this Court have not been complied with by the petitioner so far, although he has paid some amount, in between. Petitioner has not passed on any instructions to him, as to whether he is ready or not to ensure meticulous compliance of the abovesaid numerous orders passed by this Court.

In view of the above, no room for doubt is left that petitioner is trying to misuse the process of Court. Learned counsel for the petitioner has fairly stated that he has conveyed the abovesaid order dated 10.08.2015 to the petitioner, for its meticulous compliance but the petitioner stated that he is not in a position to comply with the orders passed by this Court. Having said that, this Court feels no hesitation to conclude that litigant like the

petitioner, who does not have any respect for the law or the orders passed by the Courts, is not entitled for any sympathy from the Court, as well.

In view of the above, petitioner has not been found entitled for any relief at the hands of this Court. No case for interference has been made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

14.09.2015
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