

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

**CRR (F)-219-2014 (O&M)
Date of decision: 23.07.2015**

Ashok Kumar Handoo

... Petitioner

Vs.

Raj Dulari and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

On 08.12.2014 following order was passed by this Court: -

“Petitioner has been directed to share the liability to maintain his mother to the extent of Rs.2,500/- per month with his brother, who is also obliged to pay the same amount per month w.e.f. 16.04.2012.

Counsel for the petitioner submits that on account of family circumstances of the petitioner and his resources, it will not be feasible for him to pay the said amount of Rs.2,500/- per month. However, an offer has been made by the petitioner that he is ready to maintain his mother within the resources available to him.

On asking of the Court, it has been informed that petitioner has not attributed any thing pursuant to the order of interim maintenance. Since the dispute is between son and

mother and intention has been expressed to maintain the mother but the quantum has been claimed to be on higher side, in order to test the bona fide of the petitioner and with an objective to get the matter amicably resolved before Mediation and Conciliation Centre, I deem it appropriate to issue notice to the respondents for 04.02.2015 subject to the condition that petitioner will deposit 50% of the amount awarded i.e. Rs.1250/- per month for 31 months w.e.f. 16.04.2012 amounting to approximately Rs.39,000/-. He will also deposit another sum of Rs.5,000/- as additional amount towards litigation and miscellaneous expenses.

In case the said amount is deposited by the petitioner with the Registry of this Court upto 19.12.2014, the execution of order regarding arrest warrants in the execution proceedings qua the petitioner will remain stayed. In case, the amount is deposited as aforesaid it will be open to respondent No.1 to withdraw the amount by moving an application before the Registry prior to the date of hearing. The deposit of amount as stated above shall be a condition precedent for issuance of notice to the respondents.”

It seems that the abovesaid order was not complied with by the petitioner because of which notice could not be issued to the respondents and this Court passed the following order on 04.02.2015: -

“On account of deposit receipts having not been made available to the Registry as per directions, notice has not been

issued to the respondent for today.

Learned counsel for the petitioner informs that the respondent as per his information is no more.

Adjourned to 17.03.2015.”

On the next date of hearing i.e. 17.03.2015, none appeared on behalf of the petitioner and the case was adjourned for today.

Similar is the position today. Learned proxy counsel is neither aware about the facts of the case nor he is in a position to point out as to whether the notice of motion order dated 08.12.2014 has been complied with by the petitioner or not. In the meantime, respondent No.1 Smt. Raj Dulari, who is none else but mother of the petitioner, has passed away. It is also pertinent to note here that petitioner was directed to deposit 50% of the amount awarded @ Rs.1250/- per month for 31 months w.e.f. 16.04.2012 amounting to approximately Rs.39,000/- for the maintenance of his own mother i.e. Smt. Raj Dulari. Petitioner was further directed to deposit a sum of Rs.5,000/- as additional amount towards litigation expenses for the respondents.

Keeping in view the abovesaid peculiar facts and circumstances of the case, it has become crystal clear that the petitioner is neither interested in pursuing the present petition nor he deserves any kind of sympathy from this Court.

Dismissed for want of prosecution.

[RAMESHWAR SINGH MALIK]
JUDGE

23.07.2015
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