

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**C.M. Nos. 17047-48-CII of 2016 &
COCP NO. 1922 of 2016 (O&M)**

Date of decision: August 31, 2016

Rama Devi

...PETITIONER

Versus

Gurdeep Singh Rana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Kulwant KK, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 17047-CII of 2016

C.M. is allowed subject to just exceptions. Filing of certified copies of Annexures A-1 to A-10 is dispensed with.

C.M. No. 17048-CII of 2016

C.M. is allowed subject to just exceptions. Additional facts/information regarding pending litigation between the parties are taken on record.

COCP NO. 1922 of 2016

Petitioner has approached this Court pointing out a grievance of the non-compliance of the order dated 01.05.2008 passed by the Judicial Magistrate, Ist Class, Chandigarh, whereby the application under Section

₹3,000/- per month was ordered to be paid to the petitioner by the respondent. It has been pointed out that the respondent is ex-parte in the said order. Contempt is also alleged of the order dated 11.08.2005 passed by the Civil Judge, Junior Division, Chandigarh, wherein on an application moved under Section 24 of the Hindu Marriage Act, the maintenance pendelite @ ₹1,000/- per month has been granted to the petitioner from the date of the application along with ₹2,000/- as expenses for litigation. It is the non-payment of the amount, as assessed by the Court vide the above orders, which is alleged to be a contempt on the part of the respondent.

Counsel for the petitioner has informed the Court that after passing of the order dated 11.08.2005 by the Civil Judge, Junior Division, Chandigarh and order dated 01.05.2008 passed by the Judicial Magistrate, Ist Class, Chandigarh, the property of the respondent was attached and ultimately, the same has been sold in execution proceedings. The amount stands deposited with the Court in Fatehgarh Sahib, where the proceedings are still pending for the release of the amount due. If that be so, no contempt is made out in the present case.

It has been further pointed out, with reference to Annexure A-9, which is an order passed by this Court in CRM NO. M-20681 of 2015 titled as Rama Devi vs. Gurdeep Singh, where notice of motion was issued to the respondent, which was with regard to the proceedings initiated by the petitioner under Section 125 Cr. P.C.

A perusal of Annexure A-10 further indicates that the respondent has not been served. The proceedings have been ordered to be continued but the final order has been stayed by the Court vide order dated 07.04.2016 (Annexure A-10). This clearly indicates that no contempt is

made out.

The contempt petition being devoid of merits stands dismissed.

August 31, 2016
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes/No