

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5295 of 2016
Date of decision:22.08.2016

Atul Goyal

... Petitioner

Vs.

Shinam Goel @ Shinam Modi

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Harsh Garg, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Prayer in the present petition is for issuing appropriate directions to the Court below, i.e., District Judge, Fatehgarh Sahib to write a judgment and draw decree in pursuance of the provisions of Order 20 Rule 8 of Code of Civil Procedure (hereinafter referred to as "CPC") as divorce petition bearing No.68 of 2011 was filed under the provisions of Section 13-B of Hindu Marriage Act and the Court below had passed the following order on 04.02.2012 which reads thus:-

"Statements of both the petitioners have been recorded. Heard. Vide separate judgment of even date, the petition has been accepted. Decree sheet be prepared accordingly.

Today during the proceedings of the case, the petitioner no.2 Atul Goel, handed over Special FDs for an amount of Rs.30,00,000/- (thirty lacs) in the name of Geshna, i.e., the minor daughter of the parties, to petitioner no.1 Shinam Goel.

Photostat copies of the said Special FDs have also been filed in this Court. An apprehension has been expressed by petitioner no.1 that on account of omission of name of either of the parents of the minor child Geshna in the Special FDs, there may be difficulty in encashment of the said Special FDs at a later stage and thus a prayer of issuing appropriate directions have been made.

I have considered the aforesaid request. In order to ensure that no difficulty is faced by Geshna for encashment of the Special FDs, a direction is hereby issued to the Branch Manager, Indian Overseas Bank to incorporate the name of mother of Geshna as her guardian in the necessary records pertaining to the aforesaid Special FDs so that no difficulty is faced at the time of encashment of the Special FDs and there is no ambiguity regarding identification of Geshna at later stage. A copy of this order be sent to Bank Concerned with the direction to do the needful as directed above. It is further directed that the aforesaid FDs shall not be encashed before the stipulated date i.e., before 20.1.2029, without permission of this Court. The petition stands accepted in the above mentioned terms. File be consigned to the record room.”

Mr. Harsh Garg, learned counsel appearing on behalf of the petitioner submits that on inspection of the record, it is found that in view of the aforementioned order, neither the order has been passed nor the decree

has been drawn and only interim order dated 04.02.2012 has been passed.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the aforementioned order is not sufficient compliance of the provisions of Order 20 Rule 8 CPC. Accordingly, a direction is issued to the District Judge to pass a judgment and draw a decree pursuant to order dated 04.02.2012 as per law preferably within a period of one month from the date of receipt of a certified copy of this order.

With the aforementioned direction, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

August 22, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No