

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR(F)-215 of 2016

Date of Decision: 26.07.2016

Amin

.....Petitioner

Vs.

Suman and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Gaurav Jain, Advocate, for the petitioner.

None for the respondent.

RITU BAHRI, J. (ORAL)

CRM No.20350 of 2016

For the reasons mentioned in the application, delay of 89 days in filing the appeal is condoned.

Application stands disposed of.

CRR(F)-215 of 2016

This revision petition has been filed for quashing of order dated 04.01.2016 passed by the District Judge Family Court, Hisar in execution petition whereas petitioner had been ordered to undergo imprisonment for a period of 12 months on account of his failure to pay the arrears of maintenance amounting to Rs.1,35,000/- for a period from 24.10.2011 to 05.02.2014.

The marriage of the petitioner was solemnized with the respondent No.1 on 26.11.2008 as per Muslim law and a female child was born out of this wedlock. Thereafter, dispute between the parties has been raised and respondent No.1 was harassed by the petitioner and even the matter was several times reported to the police. On this background, FIR No.429 dated 21.05.2010 for the offence under Sections 498-A/323/506/406/34 IPC against the petitioner and his family members was registered. However, petitioner was acquitted from all the charges

levelled against him vide order dated 31.03.2016 passed by learned JMIC, Hissar, Thereafter, application under Section 125(3) Cr.P.C. was moved against the petitioner and vide order dated 05.02.2014, passed by District Judge, Family Court, Hisar, the petitioner was directed to Rs.3,000/- per month to this wife-respondent No.1 and Rs.2,000/- per month to his minor daughter-respondent No.2 as maintenance allowance (Annexure P-1).

Pursuant to this order, the petitioner did not make the payment of arrears of maintenance and thereafter, in the execution petition (Annexure P-3), the interim order had been passed. A perusal of the orders shows that respondent No.1 had offered Rs.20,000/- which she refused to accept the same and the matter was adjourned to 06.05.2016 with a direction to the petitioner to pay minimum amount of 50% of arrears of maintenance on the next date of hearing.

Learned counsel for the petitioner informed the Court today that petitioner has not paid Rs.20,000/- as litigation expenses vide order dated 12.07.2016 passed by this Court. Keeping in view that the petitioner has neither paid Rs.20,000/- even as per order dated 12.07.2016 nor 50% amount of arrears or maintenance vide order dated 27.04.2016, as such, there is no ground is made out to interfere in the order dated 04.01.2016 and the present revision is dismissed.

(RITU BAHRI)
JUDGE

26.07.2016
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