

CWP No.16459 of 2016

[1]

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

**CWP No.16459 of 2016
Date of decision:16.08.2016**

Amarjit Kaur and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S.Kahlon, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

This petition is filed by the wife and children of respondent No.4 seeking a direction to respondent No.2 to pay maintenance of ₹20,000/- per month from the salary of respondent No.4 who is employed as a Head Constable in the Indo Tibetan Board Police (ITBP).

In short, the petitioners had filed an application under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the "Cr.P.C.") in the year 2010 in which maintenance @ ₹1,000/- per month to petitioner No.1-wife and ₹700/- per month each to petitioners No.2 to 4-children was granted. It is alleged that respondent No.4 paid only ₹70,000/- so far and is not making payment despite repeated applications filed by the petitioners before the concerned Judicial Magistrate 1st Class. In the light of the above, the present petition has been filed for seeking a direction to the employer of respondent No.4 to deduct an amount of ₹20,000/- per month

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from his salary for payment to the petitioners as maintenance. Counsel for the petitioners, in support of his submissions, has relied upon a judgment of this Court rendered in the case of “**Vijay Kumar vs. State of Punjab and others**”, CWP No.11655 of 2010, decided on 23.08.2011.

I have heard learned counsel for the petitioners and perused the available record.

Insofar as the judgment relied upon by the petitioners in **Vijay Kumar's case (supra)** is concerned, in that case no application for maintenance, as provided in law, was filed but in the present case, the petitioners have already filed an application for maintenance under Section 125 of the Cr.P.C., which has been allowed and the only grievance raised by the petitioners is that respondent No.4 is not making payment of the arrears as well as current maintenance amount.

In that situation, a direction is issued to the Court, seized of the execution application filed by the petitioners of the amount to be paid by respondent No.4, to take effective steps, in accordance with law, immediately but insofar as the present petition is concerned, no direction can be issued, as prayed for.

Dismissed.

August 16, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No