

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

**CRM No.M-32012 of 2016
Date of decision: 22.03.2017**

Sunil Kumar

....Petitioner

Versus

Seema and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The present petition directs challenge against orders dated 01.03.2013 (Annexure P2) passed by the Judicial Magistrate Ist Class, Pathankot and dated 06.04.2016 (Annexure P5) by the District Judge (Family Court) Pathankot whereby the respondents have been allowed maintenance @ Rs.1,000/- per month to the wife and Rs.800/- per month to the child by the trial Court and the Family Court has passed an order to attach movable property of the petitioner for realization of the outstanding arrears of maintenance.

Counsel for the petitioner would state that the petitioner is not in a position to pay Rs.50,000/- in pursuance of order dated 09.09.2016 passed by this Court. It is further submitted that respondent No.1 may be called upon to appear in this Court to explore possibility of an amicable settlement as the petitioner is ready to rehabilitate his wife.

I have heard counsel for the petitioner and persued the paperbook particularly the orders impugned.

Perusal of the record would reveal that the respondents were awarded a meagre amount of Rs.1,800/- per month i.e. Rs.1,000/- per month for the wife and Rs.800/- per month for the minor child. It appears that till date, the petitioner has not paid any maintenance to the respondents even in pursuance of the order passed by the Courts below.

On 09.09.2016, this Court directed the petitioner to pay Rs.50,000/- to the respondents before the next date of hearing. On 04.10.2016, case was taken up as application i.e. CRM No.29462 of 2016 was filed and counsel for the petitioner submitted that the petitioner would deposit an amount of Rs.50,000/- before the next date of hearing. Thereafter, on the next date of hearing i.e. 19.12.2016, counsel for the petitioner sought some more time to deposit the amount and the petitioner was given 03 months time to make necessary deposit. After 03 months, a plea has been raised before this Court that the petitioner is not in a position to deposit Rs.50,000/- as he is working as a Tailor and he is ready to deposit Rs.10,000/-. As the petitioner has failed to discharge his obligation to pay a meagre amount of Rs.1,800/- per month to his wife and the minor child and further failed to make deposit despite adjournments granted, he has dis-entitled himself to be heard on merits of the case.

Dismissed.

(REKHA MITTAL)
JUDGE

22.03.2017
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No