

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

**CRM-M-5548 of 2016 (O&M)  
Date of Decision: 16.11.2017**

Mohammad Karim

..... Petitioner

Versus

Praveen Kumari

..... Respondent

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Bhupinder Banga, Advocate  
for Mr. Mansur Ali, Advocate  
for the petitioner.

Mr. Sukesh K. Jindal, Advocate  
for the respondent.

\*\*\*\*\*

**LISA GILL, J(Oral).**

Prayer in this petition is for quashing of judgment dated 12.01.2016 passed by the learned Additional Sessions Judge, Bhiwani.

The learned trial Court vide judgment dated 16.12.2013 had dismissed the complaint of the respondent-complainant under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

The learned Additional Sessions Judge, Bhiwani, on 12.01.2016, set aside the said judgment and granted various reliefs including a sum of ₹10,000/- per month to be paid to the respondent.

Aggrieved therefrom, the present petition has been filed.

This Court while issuing the notice of motion on 16.02.2016, directed that 50% of the awarded amount shall remain stayed.

The petitioner did not clear the arrears of maintenance in terms of the said order. Thereafter, the petitioner was specifically directed by this Court vide order dated 02.09.2016 to clear 50% of the

arrears of maintenance before the next date of hearing. However, despite various opportunities, the arrears of maintenance were not deposited. The following order was passed on 31.10.2017:-

“Learned counsel for the respondent submits that the petitioner has not deposited the arrears of maintenance in terms of the order dated 02.09.2016.

Learned arguing counsel for the petitioner is not available. The petitioner, who is present in Court offers no explanation for non-compliance of the order. Prayer for an adjournment is addressed as arguing counsel for the petitioner is not available.

In the interest of justice, adjourned to 16.11.2017.

In case, order dated 02.09.2016 is not complied with before the next date of hearing, the present petition may be dismissed on the ground of non-compliance of orders itself.”

It is not in dispute that the arrears of maintenance in terms of earlier orders passed by this Court have not been deposited till date. Learned counsel for the petitioner submits that he has no instructions in this case. Accordingly, this petition is dismissed on the ground of non compliance of the said orders.

**16.11.2017**  
s.khan

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.