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

**IOIN-CRM-M-5888-2013 in
CRM-M-5888-2013
Date of decision: - 12.9.2017**

Harjinder Singh

.....Petitioner

versus

Kirpal Kaur and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in the present petition is for quashing of the order dated 9.10.2012 (Annexure P-1) and order dated 15.1.2013 (Annexure P-2) whereby the trial Court has ordered for attachment of the salary of the petitioner.

Present petition is pending since 2013 and no arguments were addressed till date. I have heard learned counsel for the petitioner.

A perusal of the order shows that in pursuance to the order granting interim maintenance to respondent-wife as well as to son of the petitioner, salary of the petitioner was attached and it was directed that the interim maintenance which has been granted to the wife and son be deducted from the salary paid to the petitioner. Against the order passed by the trial Court dated 9.10.2012, petitioner preferred a revision petition before the Additional District Judge, Sangrur and after hearing learned counsel for the parties, following orders have been passed: -

“As per learned counsel for revisionist, the provisions of Army Act have been violated, but no such provisions were shown by the learned counsel to the Court. In the application for recovery of interim maintenance allowance of ₹ 58,200/-, the learned Magistrate has made the order regarding attachment of the salary of the revisionist, without considering the fact that if the recovery could be effected by attaching the salary to some extent, the entire salary should not have been attached.

The attempt to get the recovery effected by issuance of conditional warrants was not made by the court. In these circumstance, the order is not found to have been passed in accordance with law and requires modification. By modifying the order dated 9.10.2012, it is ordered that 50% carry home salary of the respondent shall be attached by the Drawing and Disbursing Officer of the revisionist and the said amount shall be sent by the Drawing and Disbursing Officer each month to the trial Court for payment of the same to the respondent (applicants). The attachment shall remain in force till the payment of this entire maintenance allowance. Learned counsel for the revisionist also contended that the revisionist is ready and willing to keep the respondent with him as wife and child respectively and the matter maybe referred to the Mediation Centre. Since, it is a revision, the file of the trial Court is to be returned, the trial Court is advised to refer the matter to the Mediation and Conciliation Centre, Sangrur as per its convenience. The revision, thus, stands disposed of in this manner. Parties through counsel have been directed to appear before the learned trial Court on 31.1.2013. File be consigned. Trial Court record along with copy of the judgment be returned forthwith.”

After hearing learned counsel for the petitioner, I find no merit in the present petition. Since, the petitioner-husband has failed to discharge his liability towards the grant of interim maintenance, to his wife and son, they have a legal right to claim it from the salary of the petitioner. Hence, no illegality or perversity is found in the orders dated 9.10.2012 (Annexure P-1) and dated 15.1.2013 (Annexure P-2) passed by the Courts below.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

12.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No