

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

COCp-1165-2018

Date of decision:-25.7.2018

Vandana

...Petitioner

Versus

Raman Ahuja

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ashok Sharma Nabhewala, Advocate
for the petitioner.

Ms.Payal Mehta, Advocate
for the respondent.

H.S. MADAAN, J.

This contempt petition under Sections 10/12 of the Contempt of Courts Act, 1971 for disobedience of orders passed by this Court on 16.9.2016, then on 2.5.2017 in CRM-M-28259 of 2015 has been filed by petitioner Vandana against her husband Raman Ahuja for the reason that when the case came up for hearing before this Court on 16.9.2016, a direction was given to the respondent to deposit maintenance allowance @ Rs.8,000/- per month and whatever amount had been paid in Domestic Violence Act proceedings was to be adjusted in the amount paid. On 2.5.2017, a direction was issued by this Court to respondent to comply

with order dated 16.9.2016 and to clear the arrears, if any, on or before the next date of hearing. Since the orders were not complied with and further order was passed on 14.2.2018 for deposit of arrears with Registry of the Court. The respondent deposited part of arrears on 16.3.2018. However, he has failed to comply with the orders passed by this Court on 16.9.2016 and 2.5.2017, thereby committing contempt of Court and he be dealt with accordingly.

Notice of the petition was issued to respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Though learned counsel for the petitioner has argued as per the assertions in the petition stating that respondent-husband should be proceeded for contempt of Court but counsel for the respondent has submitted that no intentional violation of the directions passed by this Court are there. As a matter of fact the parties are involved in protracted litigation and various Courts have granted maintenance at different rates to petitioner - wife Vandana and minor son of the parties, namely Bhavishiya. Since the respondent could not carry out the necessary calculation with regard to the amount due in various Courts, the amount actually paid by him being balance, as such some money might have remained to be paid but that does not constitute any act of contempt and respondent has got all the regards of the Court. He can never think of violating any direction or order passed by this Court.

After hearing the rival contentions of learned counsel for the

parties and going through the record, I find that it is a case recovery of maintenance granted to aggrieved wife by her husband. Of course necessary calculations are to be carried out before finding as to any amount remains to be paid, if so, the quantum. The petitioner can very well recover the amount as per law by approaching the Courts, which granted maintenance by filing application or adopting other legal means. In my considered view, no ground to proceed against the respondent for contempt of Court is made out.

The petition being without merit stands dismissed accordingly.

25.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No