

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

**C.O.C.P. No. 177 of 2018 (O&M)
Date of Decision: 21.03.2018**

Rajbir

..... Petitioner

Versus

Sushma

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Mamli, Advocate
alongwith the petitioner-husband.

Mr. Partap Singh, Advocate
alongwith the respondent-wife.

JASWANT SINGH, J. (ORAL)

Petitioner-husband (Rajbir) has filed the present contempt against the respondent-wife (Sushma) with the allegations that she has violated her undertaking given before the District Judge, Family Court, Bhiwani, while giving her statement at the First Motion during the proceedings of seeking decree of divorce by mutual consent.

It is urged that the respondent-wife had accepted a sum of ₹ 9,00,000/- (Nine lacs only) towards part payment and yet has resiled without refunding the amount, therefore, is abstaining for getting to record her statement at the Second Stage, amounting to contempt of Court.

Upon notice, learned counsel for the respondent-wife submits that the petitioner-husband had filed an *FAO No. 8191 of 2017* aggrieved against the orders passed by the Family Court at the time of recording of the statement of Second Motion, which has been disposed of vide order dated 15.12.2017 with the liberty to the husband to seek the restitution of the paid amount by making a proper application. He further submits that the wife

has the option of not agreeing for the decree of divorce, while recording the statement at the time of Second Motion, as permitted by law and, therefore, no contempt, as alleged, is made out. It is also matter of record that against the order passed by this Court on 15.12.2017 in *FAO No. 8191 of 2017*, an SLP stands filed before the Hon'ble Supreme Court, wherein notice to the wife stands issued for 20.04.2018.

After hearing counsel for the parties, this Court is persuaded to accept the plea of the respondent-wife, therefore, non-recording of the statement at the time of Second Motion by the wife in terms of the agreement does not constitute any willful disobedience, so as to invite contempt jurisdiction. Law provides the wife to have a rethink and resile from her earlier option. As regards the refund of the money, the petitioner, concededly, has resorted to that option by making an application before the Family Court concerned.

Dismissed.

March 21, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>