

COCP-3882-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-3882-2017

Date of Decision: October 30, 2018

Sonia

...Petitioner

Versus

Shalinder Setia

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Anjali Kukar Advocate,
for the petitioner.

Mr. Sandeep Khunger, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It has been asserted by the counsel for the petitioner that the arrears are not being paid from the date of initial passing of the order dated 05.10.2012, when ₹ 10,000/- was assessed as an amount of maintenance, which had to be paid by 10th day of every month. Further assertion has been made that after passing of the order dated 28.08.2017, whereby, the amount of maintenance was enhanced to ₹ 15,000/- per month, the said amount has also not been paid regularly. She, however, concedes that after the filing of the contempt petition, now the payment is being deposited by the respondent regularly in the account of the petitioner every month but not prior to 10th.

I have considered the submissions made by the learned counsel for the petitioner and have gone through the pleadings in the contempt

petition.

Para 5 of the contempt petition would show that the grievance of the petitioner is not that the respondent has not paid any maintenance amount to the petitioner after the passing of the order dated 05.10.2012 but it appears that the respondent has firstly not been making the payment of maintenance regularly per month and that too in any case, not prior to 10th day of every month as ordered by this Court. Therefore, it cannot be said that there are any arrears with regard to the amount for the period prior to passing of the order dated 28.08.2017. Even perusal of the order dated 28.08.2017 would show that the respondent was directed to deposit the maintenance amount, whichever was due, by the next date of hearing, which the counsel for the respondent states that the arrears of maintenance, upto 31.10.2017, was deposited by the respondent on 18.10.2017. The reply which has been filed by the respondent indicates that the respondent has deposited the enhanced maintenance amount to the petitioner in her account directly.

Perusal of the statement (Annexure R-2) which has been appended along with the reply would indicate that the amount is being paid by the respondent to the petitioner, however, some of the dates indicate that the payment is not being paid by 10th day of each month as directed by this Court. Counsel for the petitioner states that this cannot be relied upon as the same is not supported by the statement of account of the bank and it is a self generated and typed statement.

Be that as it may, as there is no rebuttal on the part of the

COCp-3882-2017

petitioner with regard to the reply of the payment as detailed in Annexure R-2, the Court would proceed to accept the same to be correct.

In view of the above, this Court is satisfied that the order passed by this Court stands duly complied with and therefore, the present contempt petition is disposed of accordingly.

Rule issued to the respondent stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 30, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No