

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

Civil Revision No.8378 of 2017 (O&M)

Date of Decision: December 17, 2018

Gurdeep Singh

...Petitioner

Versus

Sargun

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. G.S.Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate,
for the petitioner.

Mr. Jasneet Singh, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

The present revision petition is directed at the instance of the petitioner-father against the order dated 06.09.2017 (Annexure P-1), whereby the Civil Misc.Appeal filed against the interim order dated 10.11.2016, whereby, in a petition for maintenance under Section 20 of the Hindu Adoption and Maintenance Act, 1956, respondent- applicant-daughter through natural guardian/mother has been awarded maintenance @ 5,000/- per month by restraining the petitioner-father from alienating half share of the house detailed in the head note of the petition and as well as creating any third party rights, has been dismissed.

Mr. G.S.Punia, learned Senior Counsel assisted by Ms.Harveen Kaur, Advocate, representing the petitioner submitted that the subject matter of the suit property, referred to in the impugned order, has already been sold by the petitioner creating third party rights and the order, if construed, may

not result into initiation of contempt and as well as criminal proceedings at the instance of the vendees. He has drawn the attention of this court to the undertaking recorded in the order dated 01.11.2018, whereby, on instructions from the client, had undertaken to give alternative land instead of the suit property. He further submitted that the petitioner is in arrears of more than ₹ 2,00,000/-. The arrears shall be deposited subject to the condition that the same may be ordered to be kept in fixed deposit as there is apprehension that the amount may not be squandered away.

Mr. Jasneet Singh, learned counsel for the respondent submitted that a sum of ₹ 2,00,000/- as arrears is required for the upkeep and maintenance of the child, but does not oppose providing of an alternative property subject to the conditions this court may deem it appropriate.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the option given by Mr. Punia on instruction from the client for submission of particulars of the land belonging to the mother would not take away the valuable right of the distressed wife, but the request for depositing the amount of arrears in fixed deposit is meritless and rejected. The mother needs the money for up-keeping and maintenance of the child in view of the high price index and inflation. In case the amount is kept in FDR, no useful purpose would be served.

The impugned order, in view of the aforementioned arrangement arrived at between the parties and the option exercised by the petitioner, not objected, to by the respondent, the impugned order is modified with the following conditions:-

- 1) The impugned order would be modified on the condition that the particulars of the land free from all encumbrances or mortgage, affidavit of the owner/mother or any other party and separate statement will be furnished to the court;
- 2) On satisfaction of the court regarding the conditions imposed, the trial court shall modify the impugned order;
- 3) The aforementioned modification is also subject to the condition that the petitioner shall clear all the arrears of maintenance within a period of two weeks from the date of modification of the order and shall pay the same to the mother, i.e., guardian of the minor child against valid receipt.

It has been brought to the notice of this court that while issuing notice, this court had directed the petitioner to deposit a sum of ₹ 20,000/- as litigation expenses. The same is stated to have been deposited. Registry is directed to release the aforementioned amount to the wife or authorised person, i.e., counsel.

With the aforementioned observations, revision petition stands disposed of.

December 17, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No