

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

CRR(F)-293-2016 (O&M)

Date of Decision: 03.07.2018.

Rajesh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.
Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a revision petition that has been filed seeking to challenge the order of sentence dated 04.07.2016 passed in Execution No.4654 of 2014 passed by the learned District & Sessions Judge, Family Court, Sonapat whereby the petitioner herein had been ordered to undergo sentence for a period of 1 year on account of non-payment of maintenance allowance.

A reading of the said order would reflect that the petitioner, who is a judgment-debtor willfully disregarded the order of the Court regarding payment of maintenance allowance without any sufficient cause and he was in default for the period from 09.02.2012 to 26.04.2016 @ Rs.2500/- per month. The said order was challenged by the defaulter judgment-debtor before this Court through the present revision.

Learned counsel appearing on behalf of the petitioner had submitted on 09.09.2016 that the petitioner was ready to pay Rs.40,000/- towards arrears of maintenance, whereas the total maintenance amount was Rs.91,200/-. Accordingly, the petitioner had been directed to deposit a sum

of Rs.40,000/- before the executing Court and on doing so, he was to be released from custody.

The revision petition was taken up on 14.12.2016 on which date the petitioner was also directed to make payment of Rs.10,000/- to the complainant as litigation expenses. Thereafter the matter had been adjourned continuously and it was taken up on 13.11.2017 by this Court on which there was no representation on behalf of the petitioner. In the interest of justice, the matter was adjourned to 17.4.2018, on which date again there was no representation on behalf of the petitioner.

The matter is taken up today and has been called twice and again there is no representation on behalf of the petitioner. A perusal of the case file does not reflect that whether the petitioner had deposited Rs.40,000/- or even Rs.10,000/- as ordered by this Court.

As per the impugned order the petitioner was to undergo one year simple imprisonment w.e.f. 04.07.2016.

Since there is no representation on behalf of the petitioner this Court is not aware of the fact that whether the petitioner has undergone the complete sentence or not or whether he is not interested in pursuing the matter.

Resultantly, the present revision petition is dismissed for non-prosecution while leaving it open to the petitioner to move an application for revival within a period of two months in case any grievance survives.

July 03, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No