

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-441 of 2017

Date of Decision : January 18, 2018

Kuldeep SinghPetitioner

Versus

Karamjit Kaur and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: None.

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LISA GILL, J. (Oral)

This petition has been filed for setting aside order dated 11.09.2017 passed by the learned District Judge, Family Court, Faridkot. A sum of ₹ 5,000/- and ₹ 7,000/- per month was assessed as maintenance to be paid to respondents No.1 and 2 respectively.

Respondents No. 1 and 2 are the wife and minor child of the petitioner who is admittedly residing in England. The present petition has been filed through his Special Power of Attorney holder/his father Gamdoor Singh @ Gamdur Singh. The petitioner had refused to deposit the interim maintenance on account of which his defence was struck off. The said order is not mentioned to be the subject matter of any challenge. It was averred by the respondent-wife that she was subjected to ill-treatment and harassment at the hands of the petitioner for want of more dowry. The petitioner's father also subjected her to harassment. She was forced to append her signatures on blank papers. The petitioner's father pressurized her to divorce the

petitioner. The petitioner was stated to be a Carpenter working in England, earning ₹02 lakhs per month. He was also stated to be the owner of 05 acres of ancestral land.

Reply on behalf of the petitioner was filed alleging respondent No.1 to be in illicit relationship with one Gurpreet Singh. It is further stated that a compromise was arrived at between the parties on 10.06.2014. The respondent-wife received a sum of ₹10 lakhs in lieu of all her claims.

In the rejoinder filed, respondent-wife denied allegations of all illicit relations while stating that false CDs were prepared only with a view to oust her from the matrimonial home. A compromise was arrived at with a promise to the respondent-wife that she would be sent abroad. Respondent-wife and the minor child are admittedly living at the matrimonial home itself.

The learned trial Court concluded that the amount deposited in favour of the respondents cannot be linked with the Agreement/Compromise purportedly arrived at between the parties. Moreover, Cancellation Deed dated 20.12.2015 was produced on record as Ex.P17. According to the said Cancellation Deed, father of the petitioner admitted that the amount deposited with the respondents was reflected in their account only for the purpose of sending them abroad. It was concluded that the petitioner was living abroad. He was a Graduate working as a Carpenter thus his monthly income was assessed as ₹25-30,000/- per month. The petitioner had no other liability, accordingly maintenance was assessed as ₹5000/- and 7000/- per month to be paid to respondents No. 1 and 2 respectively .

It is noticed that this petition was adjourned on 31.10.2017 on

request of learned counsel for the petitioner who sought time to seek instructions as to the amount/arrears of maintenance which were deposited by the petitioner. The matter was again adjourned on 14.11.2017 as the arguing counsel was stated to be indisposed.

Today, at first call there was a request for pass over of the matter. When the matter was taken up again, there is no representation on behalf of the petitioner. It appears that the petitioner merely seeks to delay the proceedings in this matter.

In view of the facts and circumstances as narrated above, I do not find any illegality, infirmity or perversity in the impugned order dated 11.09.2017 passed by the learned District Judge, Family Court, Faridkot.

Accordingly, this petition is dismissed.

18.01.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No