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

CRR(F)-25-2019 (O&M)

Date of decision: 05.11.2019.

ROHIT SHARMA

... Petitioner

versus

ARADHANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vivek Sharma, Advocate, for the petitioner.

Mr. Brijeshwar Singh Bhalla, Advocate, for the respondent.

HARI PAL VERMA, J.(Oral)

Petitioner-Rohit Sharma has filed the present revision petition impugning the order dated 15.01.2019 passed by learned Additional Principal Judge, Family Court, Ambala, whereby for non-payment of outstanding maintenance amount, recovery warrants were issued to the petitioner.

Counsel for the petitioner has argued that it is because of the mistake on the part of the conducting counsel, petitioner could not appear before the trial Court. The outstanding amount is a matter of calculation. The petitioner may be granted one opportunity to satisfy the Family Court as regard the admissible plea of the respondent that the calculation has not rightly been made.

Mr. Bhalla, counsel appearing on behalf of the respondent, has argued that the petitioner is depriving the respondent from her awarded maintenance on one pretext or the other and is delaying the payment intentionally.

I have heard counsel for the parties.

The order dated 15.01.2019 passed by the learned Family Court shows that before passing the said order, counsel for the petitioner-judgment debtor had assured the court to make the outstanding amount in part with a further undertaking that on 15.01.2019, the petitioner will pay a sum of Rs.25,000/- to the respondent-decree holder, but neither the part payment was made nor any body appeared on behalf of the petitioner, leaving no option for the court to pass the impugned order dated 15.01.2019.

Accordingly, this Court does not find any illegality in the order passed by the Family Court, as the fault, if any, lies with the petitioner only.

At this stage, counsel for the petitioner states that he may be permitted to withdraw the present petition, however, with liberty to move an appropriate application so as to give the correct calculation of maintenance.

In view of above, petitioner is permitted to withdraw the present petition, however, with liberty to move appropriate application before the learned Family Court, which shall be dealt with by the Family Court in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

Since the main petition has been dismissed as withdrawn, the applications i.e. CRM-34198-2019 and CRM-28803-2019 have become infructuous and disposed of as such.

(HARI PAL VERMA)
JUDGE

05.11.2019

sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.

Yes/No.