

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

COCP No. 1064 of 2019 (O&M)

Date of decision : 26.8.2019

...

Babloo

.....Petitioner

vs.

Rekha

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ankur Sidhar, Advocate for

Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Shubham Kaushik, Advocate for the respondent.

...

H. S. Madaan, J. (Oral)

By way of moving the present petition, petitioner Babloo prays for taking necessary action against respondent Rekha for making misrepresentation before the Court by filing transfer application, just to get a favourable order.

According to the petitioner, in the transfer application, Rekha has submitted that her husband Babloo has failed to give any maintenance/expenses towards the maintenance of the applicant, despite there being specific order dated 29.7.2017 passed by District Judge, Family Court, Hisar in proceedings under Section 125 Cr.P.C. She has filed an affidavit duly sworn in support of those contentions.

According to the petitioner – Babloo he has already paid a sum of

Rs.30,000/- to his wife Rekha on 1.8.2018 and is still paying the maintenance amount regularly. Therefore, contempt proceedings be initiated against her.

No formal reply to the petition has been filed but the same is being resisted vehemently.

I have heard learned counsel for the parties, besides going through the record.

The transfer application filed by Rekha against Babloo has since been allowed. Keeping in view the facts and circumstances of the case, in my considered view, there was no deliberate attempt to mislead the Court by making assertions with regard to the respondent-Babloo being in arrears of maintenance. Thus no ground to initiate proceedings under Contempt of Courts Act, 1971, against respondent Rekha, wife of Babloo, is made out.

The petition stands dismissed.

26.8.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No