

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

COCP-813-2020

Date of Decision: 02.03.2020

Kulwant Singh

... Petitioner

Versus

Asha Rani and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kamaldip Singh Sidhu, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. When the order dated 03.07.2017 was put in motion by the District Judge, Family Court, SBS Nagar in favour of the 1st respondent with a direction to the SSP, Ludhiana and the District Treasury Officer, Ludhiana to deduct 1/3rd salary of the respondent every month till realization of the decretal amount and deposit the same in the Court and the fact that the State of Punjab have deducted every month 1/3rd of the salary and transferred the sum into the bank account through ECS of the 1st respondent from September, 2017 up to November, 2019 [as certified by the Commissioner of Police, Ludhiana], amounting to Rs. 5,10,307/- as a result of orders passed in proceedings under Section 125 Cr.P.C., then in my view no willful contempt or disobedience of the order of maintenance can be attributed to the respondent, where the petitioner and the SSP, Ludhiana have remained

unaware of the subsequent order passed on 07.11.2017 by the Family Court dismissing the case in default for want of prosecution in the absence of appearance of the wife or her counsel. By Annex P-5, the petitioner who is a policeman, Mr. Sidhu says has taken premature retirement in November, 2019, did not know the existence of order dated 27.11.2019 and kept deducting the money and transferring it in the account of the wife. The petitioner was represented by Sh. Suresh Kataria, Advocate on 27.11.2019 which has material bearing to the contempt petition. Accordingly, it is clear that the petitioner had knowledge of the order dismissing the case in default. This order has been passed in the execution application and, therefore, can have no effect on the main order of maintenance which continues to survive and operate.

2. I would, therefore, find no merit in this petition nor has any contempt been committed by the respondents.
3. No merit. The petition is dismissed in limine.

(RAJIV NARAIN RAINA)
JUDGE

02.03.2020

Satyawan

Whether speaking/reasoned	Yes
Whether reportable	Yes/No