

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

CRM-M-4283 of 2018 (O&M)

Decided on:- January 30, 2020.

Anil Rawat.

.....Petitioner.

Versus

Monika and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ankur Malik, Advocate
for the petitioner.

Mr. Arun Luthra, Advocate
for the respondents.

HARI PAL VERMA, J. (Oral)

The petitioner has filed this petition under Section 482 Cr.PC so as to quash the order dated 03.10.2017 passed by learned Judicial Magistrate 1st Class, Chandigarh (Annexure P-1), whereby, on an application filed by the respondents for grant of interim maintenance under Section 125 Cr.P.C., learned Magistrate, while considering the earning of the petitioner as Rs.35,426/- per month and the earning of respondent No.1-wife as Rs.10,000/- per month, directed the petitioner to pay Rs.5,000/- per month to respondent No.1-wife and Rs.7,000/- per month to respondent No.2-minor son from the date of filing of the application.

This Court has been apprised that the petition under Section 125 Cr.PC filed by the respondents is fixed for final adjudication on 05.02.2020.

When the maintenance awarded by learned Magistrate vide impugned order dated 03.10.2017 is interim in nature, the parties will be governed by the final order passed in the main petition under Section 125 Cr.P.C.

The present petition is, accordingly, disposed of.

Before parting with the order, this Court finds that the petitioner is avoiding his appearance before this Court on one pretext or the other. Vide order dated 14.03.2019, on application filed by the petitioner for modification of the order dated 25.09.2018 passed by this Court, notice in the said application was issued to the non-applicant/respondent for 08.04.2019, subject to payment of Rs.10,000/- as litigation expenses to the respondent and on the adjourned date, the parties were directed to remain present in Court.

Thereafter, on 08.05.2019, when this case came up for hearing before this Court, learned counsel for the petitioner had undertaken to pay the litigation expenses to the respondent-wife on her causing appearance on the next date of hearing. He also stated that the petitioner could not come present as he is employed in Indian Railways and is posted at Raebareli. The case was, accordingly, adjourned to 24.07.2019 and the parties were directed to remain present in Court on the adjourned date. The petitioner was also directed to pay the litigation expenses to the respondent-wife on her causing appearance on the adjourned date.

On 24.07.2019, no one was present on behalf of the petitioner. Since it was already 04.45 P.M., the case was adjourned to 13.09.2019 and the parties were directed to remain present in Court on the next date of hearing. Again on 13.09.2019, no one was present on behalf of the petitioner.

Since the Court time was over, the case was adjourned to 11.11.2019 and the parties were directed to remain present in Court on the adjourned date.

Thereafter, on November 16, 2019, when this case came up for hearing before this Court, learned counsel for the petitioner stated that the parties were present in the pre-lunch session, but thereafter, they had left the Court. Since it was already 05.00 P.M., the case was adjourned to 30.01.2020 i.e. for today and the parties were directed to remain present in Court on the adjourned date.

Today, again a request has been made by learned counsel for the petitioner that the petitioner is held up at Raebareli as he is employed in Indian Railways.

The conduct of the petitioner does reflect that he is avoiding not only his appearance before this Court, rather, has intentionally not paid the amount of Rs.10,000/- to the respondent-wife as litigation expenses in terms of order dated 14.03.2019 passed by this Court.

For having not acted upon his own undertaking though the petitioner is liable to be proceeded against for contempt proceedings but the present being a matrimonial dispute between the parties, the petitioner is now directed to pay a sum of Rs.20,000/- to the respondent-wife as litigation expenses before the trial Court i.e. the date fixed there. After payment of litigation expenses, the petitioner shall furnish an affidavit before the Registry of this Court within a period of one week thereafter in support of payment of such litigation expenses.

It is made clear that in case the petitioner fails to make the payment of Rs.20,000/- as litigation expenses to the respondent-wife and to furnish the affidavit before the Registry of this Court within one month, Registry shall put up the case thereafter.

January 30, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No