

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 2620 of 2020

Date of Decision:22.12.2020

Raj Kumar

.....Petitioner

Versus

Manager, State Bank of India and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

None for respondent no.1.

Mr.Ketan Antil, Advocate
for respondent no.2.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This petition has been filed for setting aside order dated 25.09.2020, passed by the learned Civil Judge (Sr. Division), Bhiwani in Civil Suit No. CS No. 397 of 2020, titled as 'Raj Kumar Vs. Manager, State Bank of India and another', while deciding application under Order 39 Rule 1 and 2 read with Section 151 CPC, filed by the present petitioner.

Mr. Ketan Antil, Advocate, appears on behalf of respondent no.2. It is informed that respondent No.1 is served, however none appears for the said respondent.

The petitioner filed a suit for declaration to the effect that he is the only person entitled to the amount lying in bank account no.20035275137, maintained in the Branch of respondent no.1 and that respondent no.2, his estranged wife, has no concern with the said account.

Learned trial Court while deciding the petitioner's application

under Order 39 Rule 1 and 2 read with Section 151 CPC, directed that *status quo* regarding the amount deposited in the disputed account would be maintained by the parties and that till disposal of the suit, no amount would be withdrawn from the said account by anyone. This petition has been filed with the averments that the petitioner's monthly pension is deposited in the said account and the amount of maintenance due to respondent no.2, has also to be paid from the said account. In case, the petitioner is not allowed to withdraw the amount in question, he can neither deposit the amount of maintenance nor does he have any other means of subsistence. Moreover, the petitioner, it is stated has an aged mother to maintain.

It is not in dispute that there is matrimonial discord between the petitioner and respondent no.2. The petitioner, has been directed to pay a sum of Rs.13,000/- per month i.e., Rs.4000/- each to his two children and Rs.5000/- to his wife, respondent no.2, in proceedings under Section 125 Cr.P.C. Execution petition stands filed by respondent no.2 and minor children.

During the course of hearing, consensus has emerged between the parties. Learned counsel submit that they have telephonic instructions from their respective clients. It is agreed that arrears of maintenance amounting to Rs.2,59,000/- in proceedings under Section 125 Cr.P.C., may be released from the said account to respondent no.2 and the minor children. Thereafter, a sum of Rs.13,000/- per month be released to the petitioner as well as respondent no.2, during pendency of the abovesaid suit. The arrears, it is further agreed would be directly released to the account of respondent no.2, details of which shall be supplied by her to respondent no.1.

In view of the consensus which has been arrived at between the parties, this petition is disposed of with the modification in order dated

25.09.2020, to the extent that from the bank account in question, arrears of Rs.2,59,000/- under Section 125 Cr.P.C., shall be released to respondent no.2 in her account, details of which shall be furnished by her to respondent no.1 within two weeks from receipt of certified copy of this order. Thereafter, the petitioner and respondent no.2, would be entitled to a sum of Rs.13,000/- each, to be released to them every month, during pendency of the civil suit and subject to any other order subsequently passed in accordance with law.

22.12.2020

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.