

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 28437 of 2019 (O&M)

Date of Decision:14.01.2020

Gurjeet Singh

.....Petitioner

Versus

Lok Adalat through its Chairman, Hisar and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ashwani Gaur, Advocate
for the petitioner.

LISA GILL, J(Oral).

Prayer in this petition is for modification of order dated 19.08.2019 (Annexre P-2), passed by the Lok Adalat, Hisar-respondent no.1, whereby amount of ₹18,000/- per month has been awarded as maintenance to the minor-respondent no.2, in a petition filed under Section125 Cr.P.C.

Petition under Section 125 Cr.P.C., was filed by respondent no.2, minor daughter of the petitioner. Relations between the petitioner and his wife were strained. Their minor daughter, is in the custody of his wife. Application for maintenance was filed only on behalf of the minor child as his wife is an earning hand and did not prefer any such application. The matter was compromised before the Daily Lok Adalat, Hisar. Petitioner suffered a statement that he was ready to deposit an amount of ₹18,000/- per month as maintenance for his daughter-respondent no.2, from the date of filing of this petition. Petition was accordingly withdrawn in view of the statement suffered by the petitioner.

The present petition, has been filed with the averments that

there appears to be some mistake in recording the amount as ₹18,000/- per month, whereas the petitioner had made a statement that he was ready and willing to deposit a sum of ₹8000/- per month, only. In this view of the matter, it is submitted that order dated 19.08.2019 (Annexure P-2), passed by the learned Lok Adalat, Hisar, be set aside.

The petitioner, it is submitted, is in receipt of only ₹47,852/- per month, whereas his wife is working as a guest teacher in a Government School, earning a salary of ₹40,000/ per month and he has other liabilities.

Be that as it may, learned counsel for the petitioner is unable to deny that the petitioner, who is admittedly working as a wireless operator in the office of Superintendent of Police, Bhiwani, has indeed suffered a specific statement before the Lok Adalat, Hisar. His statement was duly recorded and he had appended his signatures thereon. To accept the argument, that such statement was made under some misconception, that it is only a sum of ₹8000/- per month that the petitioner is to pay, is totally illogical and unacceptable. It is not the case of the petitioner that he had appended his signatures on the statement without reading the same or understanding the import thereof.

In my considered opinion, there is no justification whatsoever to interfere/set aside order 19.08.2019, passed by the Lok Adalat, Hisar, on the basis of a categoric and specific statement of the petitioner.

Petition is accordingly dismissed.

14.01.2020
s.khan

[LISA GILL]
Judge

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