RAMANDEEP SINGH
2021.09.02 09:16

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.129 **CR-1785-2021 (O&M)**
Date of decision : 01.09.2021

Aman Kumar ..... Petitioner

VERSUS

Sonia Verma @ Muskan and another ..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.V. Sharma, Advocate, for the petitioner.

Mr. Gaurav Goyal, Advocate, for respondent No.2.

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SUDHIR MITTAL, J. (Oral)

The petitioner-husband is estranged from his wife-respondent No.1. A divorce is in progress. Meanwhile, civil suit for injunction has been filed on 06.08.2021 for restraining the wife-respondent No.1 from operating bank account in respondent No.2-Bank and also from encashing the fixed deposit receipt mentioned in the plaint. Alongwith suit, an application under Order 39, Rules 1 & 2 CPC has also been field, wherein, vide order dated 09.08.2021, notice has been issued to the defendants for 03.09.2021.

Learned counsel for the petitioner refers to the statement of account for the period 23.07.2021 to 27.08.2021 (Annexure P-5) to submit that on 25, 26 and 27.08.2021, the wife-respondent No.1 has withdrawn Rs.49,900/- on each day. Sum of Rs.50,000/- has been withdrawn today also. In this regard, a SMS has been received by the petitioner from the bank. On the basis of this evidence, it is submitted that the wife-respondent No.1 is withdrawing all the money in her account with the sole intention of denying the petitioner his hard earned money. All the money in her account was

deposited by the petitioner and this can be inferred from the fact that she has no independent source of income. Thus, she deserves to be injuncted during the pendency of the suit.

The evidence relied upon by the learned counsel for the petitioner does show that money is being withdrawn at a rapid pace by the wife-respondent No.1. However, without evidence, it is difficult to hold that the money has been deposited by the petitioner-husband. Thus, the trial Court was justified in issuing notice to the defendants. It is evident that the Court is waiting for evidence to be led before an appropriate order can be passed. Thus, I do not intend to pass any order so far as the savings account is concerned.

According to the plaint, there is a fixed deposit of Rs.9,00,000/- also. To balance the equities, I deem it appropriate to direct respondent No.2-Bank not to encash the same during the pendency of application under Order 39, Rules 1 & 2 CPC. The trial Court is directed to decide the said application as early as possible and in any case, not later than four weeks from the date of receipt of certified copy of this order.

Revision petition stands disposed of.

(SUDHIR MITTAL)
JUDGE

01.09.2021
Ramandeep Singh

Whether speaking / reasoned Yes / No

Whether Reportable Yes/ No