

119-1

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

CRR(F)-235-2020

Date of Decision: May 12, 2022

Rajinder Kumar

.....Petitioner

Versus

Renu Bala

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Munish Puri, Advocate
for the petitioner.
Mr.Dheeraj Mahajan, Advocate
for the respondent.

.....

RAJESH BHARDWAJ, J.

Petitioner has approached this Court impugning the order dated 25.11.2019 passed by learned Principal Judge, Family Court, Gurdaspur, vide which warrant of attachment of salary has been issued against the petitioner.

As per the facts of the case, the respondent/wife filed a petition under Section 125 Cr.P.C. praying for grant of maintenance against the petitioner. The same was allowed by the Family Court vide order dated 16.08.2018 vide which the maintenance of Rs.8,000/- per month was awarded. Thereafter, the respondent/wife filed a revision petition for enhancement of interim maintenance granted by the learned Family Court. Learned Additional Sessions Judge, Gurdaspur, after hearing the parties, modified the same by enhancing the interim maintenance to the tune of Rs.10,000/- per month vide order dated 05.03.2019.

The petitioner having failed to pay the maintenance, decree-

holder/wife filed the execution application, in which the Family Court attached the salary of the petitioner directing with-holding of the due amount of Rs.2,20,000/-. Aggrieved by the same, the petitioner filed the the present revision petition.

It has been contended by learned counsel for the petitioner that the Family Court has failed to appreciate that the respondent/wife has deserved the matrimonial home on her own will. As per the provisions of Section 125(4) Cr.P.C., once the wife leaves the matrimonial home on her own free will without any sufficient cause, she is not entitled for any maintenance. He further submits that the petitioner has an additional liability of repaying the load and hence passing of the impugned order by attaching his salary is totally unsustainable in the eyes of law.

On the other hand, learned counsel for the respondent has vehemently opposed the contention raised by counsel for the petitioner and stated that the salary has rightly been attached as the petitioner has failed to pay the interim maintenance to the respondent/wife despite many opportunities.

Heard.

It is not in dispute that the respondent/wife is the decree holder. The Family Court vide order dated 16.08.2018 granted her interim maintenance @ Rs.8,000/- per month. Thereafter, she preferred a revision petition and the maintenance was enhanced to Rs.10,000/- per month.

Admittedly, the petitioner has not paid the maintenance as directed by the Court. He ran into arrears which comes to Rs.2,20,000/- as apparent from the record. Though he filed another petition bearing CRM-

M-21225-2019 challenging the interim maintenance granted, however, he

could not produce any stay order passed by this Court in the said petition. Thus, there was no justification for the petitioner for not complying with the order. The warrant of attachment issued by the Court suffers from no illegality. The respondent/wife, i.e. the decree holder, is duly entitled for the maintenance granted by the Family Court.

Hence, this Court finds no infirmity in the order passed by the learned Family Court in issuing warrant of attachment of the salary of the petitioner. The present petition being devoid of any merit is hereby dismissed.

May 12, 2022

meenuss

(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No

Yes/No