

COCp-993-2020

Date of Decision : 16.09.2022

Pooja Kanda

...Petitioner

versus

Harish Kanda

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Arav Gupta, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 13.09.2017, in CR-3929-2016.

2. A perusal of order Annexure P-1 dated 13.09.2017, reveals that CR-3929-2016, was allowed by enhancing the maintenance payable to the petitioner under Section 24 of the Hindu Marriage Act, 1955, from Rs.7,500/ per month to Rs.12,500/- per month, with effect from the date of the petition.

3. Learned counsel for the petitioner has not been able to refer to any case law in terms of order dated 18.03.2020, with regard to maintainability of the instant petition despite availability of remedy of filing of execution proceedings under the law.

4. In view of the position noted above, the instant petition is disposed as not calling for any action against the respondent under the Contempt of Courts Act, 1971. However, the petitioner is relegated to avail her remedy before the learned Executing Court and in the eventuality of execution petition being filed by the petitioner, the learned Executing Court is requested to consider and decide the same, in accordance with law, as expeditiously as possible.

(B.S. Walia)
Judge

16.09.2022

Ps