

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRR(F)-383-2020 (O&M)
Date of Decision: July 26, 2022

Manoj Kumar

.... Petitioner

Versus

Geeta and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: None for the petitioner.

Vivek Puri, J.

None has appeared on behalf of the petitioner despite pass over. The same was the position on the previous two dates. Even at the earlier instance, none had appeared on behalf of the petitioner on 11.11.2020 and 17.11.2020.

The petitioner has assailed the order dated 01.02.2020 passed by the learned Additional Principal Judge, Family Court, Sonapat, whereby the directions have been issued to the employer of the petitioner for deduction of Rs.25,000/- per month from the salary of the petitioner till the clearance of arrears of maintenance amount.

The respondents had instituted a petition under Section 125 of the Code of Criminal Procedure for grant of maintenance allowance and the same has been allowed in terms of the judgment dated 14.05.2019 passed by the learned Additional Principal Judge, Family Court, Sonapat. A sum of Rs.10,000/- has been awarded in favour of respondent no.1 and a sum of Rs.4,000/- per month each has been awarded to respondents no. 2 and 3. The petitioner has not paid the amount of arrears of maintenance and in the execution proceedings, the salary of the petitioner has been ordered to be attached. The petitioner is working in Janta Cooperative Bank and the directions have been issued to its Manager for deduction of amount to the extent of Rs. 25,000/- per month and send the same to the Court till realization.

The perusal of the grounds of revision indicate that the petitioner has *inter alia* assailed the impugned order on the score that he has no source of income except the monthly salary and is being harassed by the respondent-wife by initiating unnecessary litigation. The petitioner is making regular payment of arrears of maintenance. The respondent-wife has treated the petitioner and his family with cruelty. The respondent-wife is more competent and comparatively having higher education than the petitioner.

Furthermore, the respondent-wife has taken the minor children in her illegal custody.

It may be mentioned here that there is categorical plea in the grounds of revision to the effect that the judgment dated 14.05.2019 vide which the maintenance has been awarded has been assailed in this Court by way of CRR(F)-787-2019 titled as “Manoj Kumar vs. Geeta and others”. The legality and validity of the said order is to be adjudicated in the said proceedings. There is nothing to suggest that any stay order has been issued therein. The allegation to the effect that the petitioner has no source of income and is being harassed by the respondent-wife or she has treated the petitioner and his family with cruelty or she is more competent and comparatively having higher education or the minor children are in illegal custody can be subject matter of adjudication in the said proceedings. The plea of the petitioner to the effect that he has been making regular payment is not substantiated with any material to justify and establish that he is regularly making the payment and is not arrear of maintenance. Furthermore, no material has been placed on record in this regard and even none has appeared on behalf of the petitioner as observed above. The maintenance has been awarded in favour of the respondents and they are within their rights to reap the fruits of the order awarding maintenance to them.

In such circumstances, there is no illegality or irregularity in the event the deductions have been made from the salary account of the petitioner and directions have been issued to the employer to send the amount after deduction till the realization of the outstanding amount of maintenance.

In these circumstances, the present petition being devoid of merits, stands dismissed.

July 26, 2022
vkd

(Vivek Puri)
Judge

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