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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2886/2022 & C.M.Nos.8364-8365/2022**

SUNIL KUMAR SHARMA Petitioner
Through **Mr.Mohd.Azam Ansari, Advocate.**

versus

UNION OF INDIA & ORS. Respondents
Through **Mr. Rajesh Kumar with Mr. Syed
Husain Adil Taqvi, Advocates for
UOI.**

% Date of Decision: 16th February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed seeking a direction to Respondents No.1 and 2 not to attach the Petitioner's pension till the disposal of Criminal Revision Petition No.283/2021 and the Petitioner's representation dated 10th September 2021. Petitioner also seeks directions to Respondents No.3 & 4 to release the Petitioner's pension from September 2021 onwards as there was no direction to attach the Petitioner's pension.
3. Learned counsel for the Petitioner states that the Petitioner, his wife and his two children have been involved in legal proceedings since 2010 and the Family Court Saket vide order dated 04th August 2021 in M.A. No.108/2012 in HMA No.388/2011 had passed various directions including a direction to attach the Petitioner's pension.



4. He states that the legal proceedings were between the Petitioner and his family members. The Petitioner's banker and Indian Air Force were not parties to the said proceedings. He states that the order dated 04th August 2021 has been challenged in the Criminal Revision Petition No.283/2021 before the learned Single Judge of this Court wherein Respondents No.1, 2 and 4 (i.e. Airforce and Banks) were later impleaded as parties.

5. He states that the Petitioner preferred a representation dated 10th September 2021 to the Air Force requesting them not to seize the Petitioner's pension. He states that even though the Petitioner has not received a response, yet he came to know unofficially that Air Force did not attach his pension and the Petitioner's bank had illegally seized the same w.e.f. September 2021 without any directions to that effect in the order dated 04th August 2021.

6. He states that the Petitioner has preferred a representation dated 29th September 2021 to his bank requesting it to release his pension.

7. However, the same was rejected by the bank by way of a letter dated 30th September 2021 stating that the direction of stopping the Petitioner's pension was received from Respondent No. 3 (Branch Manager, Canara Bank).

8. He states that the Petitioner, through his counsel, sent a show cause notice and letter dated 21st January 2022, to which there has been no response. He points out that the Petitioner has also sent an email dated 09th February 2022 seeking a decision on his representation dated 10th September 2021.

9. A bare perusal of the order dated 04th August 2021 shows that the attachment of the Petitioner's pension and his bank account was directed by



the Family Court and a challenge to the order dated 04th August 2021 by way of Criminal Revision Petition No.283 of 2021 is pending adjudication before the learned Single Judge of this Court. However, there is no stay of the order dated 04th August, 2021 by the Court hearing the aforesaid criminal revision.

10. In fact, vide communication dated 30th September 2021, the Petitioner was informed by his bank that his account has been seized and his pension has been withheld in accordance with the communication received from the Petitioner's home branch in compliance with the order dated 04th August 2021 passed by the Family Court.

11. In view of the aforesaid factual scenario, this Court finds no error in the letter as well as the stand taken by the Petitioner's banker.

12. This Court is of the view that the present writ petition is a gross abuse of the process of law as despite agitating its grievance in the Criminal Revision Petition No.283 of 2021, the petitioner has filed the present writ petition. It is also an attempt on the part of the Petitioner to multiply the proceedings to delay/avoid making payment of maintenance to his wife and children in compliance with the order passed by the Family Court.

13. Accordingly, the present writ petition along with pending applications stand dismissed.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 16, 2022/KA