

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

**COCP-2619-2020 (O&M)
Date of decision: 09.10.2023**

Court on its own motion

...Petitioner

Versus

Sumit Narang

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parveen Sharma, Advocate as amicus curiae
for assisting the Court.

Mr. Rahil Mahajan, Advocate &
Mr. Arjun Dosanj, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Vide order dated 10.11.2020, passed by this Court in ***CRR-1718-2019***, whereby *suo motu* contempt proceedings were ordered to be initiated against petitioner No. 1 therein, namely Sumit Narang (respondent herein), on account of non-compliance of an earlier order dated 13.02.2020.

It is worth noticing that on 13.02.2020, the following order was passed in the aforesaid criminal revision:

“There is a written request for an adjournment on be half of the petitioners.

Learned counsel for the respondent submits that apart from the fact that the respondent is required to pay rent for the accommodation she is in possession, she is unable to pay the fee of her daughter who is otherwise a student of Saint Xavier School, Sector 44, Chandigarh.

Considering the need of the respondent wherein she is required to pay the rent and the fee of her daughter,

the petitioner is directed to pay the amount of such rent for the period from October, 2019 onwards. The petitioner shall also visit the Saint Xavier School, Sector 44, Chandigarh wherein her daughter is pursuing her studies so as to clear the outstanding fee including the transportation charges etc. within a week from today. This interim arrangement is necessitated so that study of the daughter of the parties may not affect adversely.

Adjourned to 30.03.2020.

Interim order to continue.

A photocopy of this order be placed on the file of each connected case.”

Reply, on behalf of the respondent, has been filed in Court today.

Learned counsel for the respondent/contemner submits that on account of COVID-19 situation, the respondent was facing extreme financial hardships at the relevant time, therefore, he was unable to comply with the order dated 13.02.2020. It is further submitted that on 26.02.2021, the trial Court has issued a conditional warrant of arrest against the respondent/contemner on account of non-payment of aforesaid maintenance under the Domestic Violence Act and he was arrested on 06.03.2021 and remained in civil imprisonment till 15.04.2021. Thereafter, the civil imprisonment was extended till June, 2021, however, later on, the respondent/contemner filed a petition before this Court bearing CRM-M-15639-2021 for releasing him from the civil imprisonment in order to pay maintenance and the matter was referred to Mediation and Conciliation Centre of this Court, where a demand draft of Rs. 7,00,000/- Lakh was handed over to his wife.

Learned counsel for the respondent submits that over and above the aforesaid amount of Rs. 7 Lakh, an amount of Rs. 4,90,000/- was also handed over before the executing Court and as on today, a total amount of Rs. 11,19,000/- stands paid to his wife.

Learned counsel for the respondent further submits that the respondent is tendering his unconditional apology for flouting the order passed by this Court as due to COVID-19 situation, his financial condition was very poor and he could not make the payment.

The aforesaid fact is not disputed by Mr. Parveen Sharma, Advocate, who has been appointed as amicus-curiae to assist this Court, however, it is submitted that still some amount of maintenance is pending.

In reply, learned counsel for the respondent submits that the respondent is making the payment in installments.

In view of the unconditional apology and undertaking given by the respondent/contemner, no further action is called for in the present matter and the present petition is disposed of.

Rule stands discharged.

The Member Secretary, High Court Legal Services Committee is directed to pay the equivalent fee to Mr. Parveen Sharma, Advocate, as is payable to a Legal Aid Counsel, who is on the panel.

09.10.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No