

In the High Court of Punjab and Haryana at Chandigarh

2023:PHHC:044322

110-1

CRR(F)-980 of 2022(O&M)

Date of Decision: 24.03.2023

Arvind Saini

---Petitioner

versus

Anupa Saini and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sunny Namdev, Advocate, Legal Aid Counsel
for the petitioner
Petitioner in person.

JAGMOHAN BANSAL, J. (ORAL)

On 21.02.2023, following order was passed by this

Court:-

“The petitioner, through the instant petition is seeking setting aside of order dated 04.02.2022 whereby Principal Judge Family Court, Yamuna Nagar has allowed maintenance of Rs. 15,000/- per month i.e. Rs. 10,000/- per month to respondent No. 1 and Rs. 5,000/- per month to respondent No. 2-minor son of the petitioner.

The petitioner is present in person.

He states that respondent No. 1-wife has got ex parte decree of divorce in the month of January 2022. He is B.Tech and was earlier employed with a mobile phone company. Though he was getting

handsome salary but at present due to multiple litigation, he has lost employment and he has no factory as noticed in the impugned order. The wife has got ex parte decree of divorce and she has deserted the petitioner, thus, she is not entitled to maintenance. He has responsibility towards his son and he undertakes to continue to make payment towards maintenance to his son. He states that he will clear all the outstanding dues qua son within six months.

Notice of motion for 24.03.2023.

In the meantime, the petitioner shall continue to pay Rs. 5000/- towards maintenance to his son and operation of impugned order qua maintenance to wife shall remain stayed.

The petitioner shall clear 50% of the outstanding dues of maintenance qua son before the adjourned date and remaining dues within six months from today.

To be shown in urgent list.”

The petitioner was directed to clear 50% of the outstanding dues of maintenance qua son before the adjourned date and remaining dues within six months from the date of order.

This Court taking a lenient view, stayed operation of maintenance qua wife which is Rs.10,000/- per month and petitioner

was directed to pay maintenance only qua son.

The petitioner is admittedly a B.Tech and he was present in the Court on the previous date. In spite of his undertaking, the petitioner has not cleared outstanding dues qua son.

The aforesaid act and conduct of the petitioner indicates that he is not serious to pursue the matter and he is taking Court as granted. Act and conduct of the petitioner is not appreciable.

In view of non-compliance of afore-stated order of this Court, no further interference by this Court is warranted. Thus, present petition deserves to be dismissed. Accordingly, dismissed.

Pending misc. applications, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.03.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No