

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

1. COCP-2489-2018 (O&M)

Dimple ...Petitioner

Versus

Rajesh Goyal ...Respondent

2. CRM-M-3909-2020 (O&M)

Dimple ...Petitioner

Versus

Rajesh Goyal and another ...Respondents

Reserved on : 11.04.2023
Pronounced on : 17.04.2023

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Shubham Budania, Advocate for
Mr. Bhuwan Vats, Advocate
for the petitioner.

Mr. Sanjeev Goyal, Advocate
for the respondent(s).

ARVIND SINGH SANGWAN, J.

1. The petitioner, by way of filing the first petition i.e. COCP-2489-2018, seeks initiation of contempt proceedings against respondent-Rajesh Goyal for violating the order dated 03.11.2017, passed by this Court in CRM-M-19214-2016, vide which, the following directions

were issued:

“14. In view of above, the instant petition is partly allowed. The impugned orders dated 30.10.2014 & 29.01.2016 are modified to the extent that the interim maintenance payable would be assessed @ Rs. 10,000/- per month from the date of the application. The appellant-husband is directed to pay the arrears within eight weeks from today.

15. However, while disposing of this petition, it is made clear that the petition under Section 125 Cr.P.C is to be decided by taking all parameters into account as discussed above and the JMIC is not to be influenced by the order of this Court determining interim maintenance @ Rs. 10,000/- per month. In case the final maintenance is determined to be lesser than Rs. 10,000/- per month, excess payment made same shall be adjusted against future payments.”

2. Later on, an application was filed for recalling the aforesaid order, which was dismissed on 22.01.2018. Thereafter, respondent-Rajesh Goyal filed an SLP bearing Hon'ble Supreme Court, bearing SLP (Cri) No. 5316/2018, which was also dismissed on 22.02.2018.

3. It is claimed by the petitioner that respondent-Rajesh Goyal is not making the payment of arrears and, therefore, he has committed violation of the order dated 03.11.2017 i.e. upheld by the Hon'ble Supreme Court.

4. In the second petition i.e. CRM-M-3909-2020, the petitioner has made prayer for initiating criminal proceedings under Section 340 Cr.P.C. against respondent-Rajesh Goyal as well as Sanjeev Goyal, Advocate (respondent No. 2 in the said petition) as they have filed a false

affidavit while reply in aforesaid contempt petition. It is stated in the petition that there is variation in the signatures of the respondent, therefore, the affidavit is false.

5. Reply, filed by way of the affidavit of respondent-Rajesh Goyal, is on record.

6. On the last date of hearing, learned counsel for the respondent has stated that the petitioner has withdrawn the application seeking maintenance before the Family Court, Bathinda on 05.09.2022. A certified copy of the order is also placed on record. It is also stated that even the application filed by the petitioner under Section 125(3) Cr.P.C., seeking payment of the balance amount, also stands withdrawn on 05.09.2022. The petitioner has also withdrawn two other similar applications for payment of balance amount on the same date i.e. 05.09.2022.

7. Learned counsel for the respondent submits that the matter stands settled and the petitioner has withdrawn all the applications seeking payment of arrears of maintenance and, therefore, this contempt petition is not maintainable.

8. Learned counsel for the petitioner could not give any reply to the submissions made by learned counsel for the respondent as the certified copies of all the orders are placed on record, which are marked as 'X' (colly.).

9. In view of the same, this contempt petition does not survive as the petitioner herself has withdrawn the execution application filed under Section 125(3) Cr.P.C. before the Family Court.

10. Accordingly, the present contempt petition is rendered

COCp-2489-2018 (O&M) and one connected case

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infructuous. Rule Stands discharged.

11. Since the contempt petition is rendered infructuous, the second petition i.e. CRM-M-3909-2020 is also rendered infructuous.

12. Let a photocopy of this order be placed on the file of other connected case.

17.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>