

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-268-2024 (O&M)

Date of order: 27.02.2024

Manpreet Singh

.....Petitioner(s)

Vs.

Ravneet Singh

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nagar Singh, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 19.01.2024 passed by learned Executing Court/Additional Principal Judge, Family Court, Ludhiana, whereby 1/3rd salary of the petitioner has been ordered to be attached to the account of his minor son/respondent herein.

2. Learned counsel for the petitioner inter alia submits that the impugned order on the face of it is unfair as the petitioner has the apprehension that the amount of maintenance of Rs.5,000/- per month to be paid by him into the account of the respondent, will be misused by his in-laws for their own household expenses, and not for the welfare of respondent. It is submitted that therefore, the direction for attaching 1/3rd salary of the petitioner, is on the face of it wrong, and deserves to be set aside.

3. No other submission is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that the petitioner was married to mother of the respondent on 12.12.2018. The respondent was born out of this wedlock on 22.10.2019. The parties started living separately since July, 2020. Thereafter, on 28.01.2021 the respondent and his mother filed a petition under Section 125 Cr.P.C., wherein vide order dated 01.11.2022 (Annexure P1) they were granted interim maintenance of Rs.15,000/- per month (Rs.10,000/- for the mother of the respondent, and Rs.5,000/- for the respondent). Subsequently, as the petitioner failed to pay the interim maintenance, the respondent and his mother were constrained to file the execution petition on 02.12.2022 (Annexure P4) to claim the arrears of maintenance from the petitioner. However, during pendency of the said execution petition, mother of the respondent expired on 17.04.2023 as evident from her death certificate (Annexure P5). Thereafter, the respondent has been in care and custody of his maternal grandmother.

6. Subsequently, the above said petition filed by the respondent under Section 125 Cr.P.C. was disposed of vide order dated 13.12.2023 (Annexure P13) on the undertaking given by the petitioner (Annexure P-13A) that he will continue to pay Rs.5,000/- per month to the respondent. However, thereafter, as the petitioner yet again failed to pay the agreed maintenance to the respondent, the respondent through his maternal grandmother filed an application dated 19.01.2024 (Annexure P15) praying for attachment of salary of the petitioner as he had reneged on his own statement as also disobeyed order dated 13.12.2023. It is this application which has been allowed vide the impugned order.

7. It has been repeatedly submitted by counsel for the petitioner that he has 'no problem' in paying the amount of ₹5000, but he has the apprehension that the said amount will be misused by his in-laws. Thus, the only ground cited on behalf of the petitioner for not paying the maintenance is that he has the 'apprehension' that the said amount may not be used for the welfare of the respondent. I find, no basis has been made out for such apprehension. There is nothing whatsoever on record to substantiate this apprehension harboured by the petitioner. On the contrary, the record evidences that the petitioner has resorted to some excuse or the other for not paying the maintenance. Perusal of the impugned order shows that previously also, the account details of the respondent had been duly provided to the petitioner. However, on some pretext or the other, the petitioner had not made payment of maintenance as agreed upon into the said account. Moreover, the utter puerility of the argument raised on part of the petitioner is borne out from the fact that even during the time that the petitioner's wife was alive, he was not paying the maintenance, as a result of which she was constrained to file the Execution Petition.

8. In any event, order dated 13.12.2023 (Annexure P13) was passed by recording that the petitioner *"has shown his readiness and willingness to continue with making payment of maintenance allowance @ Rs.5,000/- per month to his son i.e. petitioner no. 2 Ravneet Singh w.e.f. the date of petition"*. In accordance with the statement so suffered by the petitioner, vide her separate statement, the maternal grandmother of respondent No.2 Ravneet Singh has pleaded *"no objection in case the*

petition be disposed of in view of the statement suffered”. It is clear from the above that no such apprehension was voiced by the petitioner before the learned Family Court.

9. As such, I find no merit in the present petition, and the same is accordingly **dismissed**.

10. Pending application(s) if any also stand(s) disposed of.

27.02.2024
Sunena

(Nidhi Gupta)
Judge

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