



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR(F)-219-2021 (O&M)

Date of Decision: 16.10.2024

Sukhdev Singh

.... Petitioner

Versus

Sarabjit Kaur and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Ms. Ekta Thakur, Advocate for the respondents.

NIDHI GUPTA, J. (ORAL)

Challenge in the present revision petition is to order dated 29.01.2021 passed by learned Principal Judge, Family Court, Hoshiarpur in case No. MINT-125 of 446 of 2019 titled as ‘*Sarabjit Kaur and others vs. Sukhdev Singh*’ whereby petitioner-husband has been directed to pay total **final maintenance** of Rs.20,000/- p.m. (Rs.10,000/-p.m. to respondent No.1-wife and Rs.5,000/-p.m. each to respondents No.2 and 3-minor sons).

Vide order dated 28.02.2022 passed by a Coordinate Bench of this Court, it was recorded that the petitioner had undertaken to deposit an amount of Rs.3,20,000/- by way of demand draft in the name of respondents in the Registry of this Court within a period of 10 days. Thereafter, on 01.12.2023, following order was passed:-

“Ms. Ekta Thakur, Advocate has put in appearance on behalf of the respondents and filed her memorandum of appearance, which is taken on record.



On 16.07.2021 the following order was passed :

“Challenge in the instant petition is to the impugned judgment dated 29.01.2021 passed by the Family Court, Hoshiarpur vide which petitioner was directed to pay Rs.10,000/- and Rs.5,000/- (each) to respondents No.1 and 2 and 3 respectively as maintenance from the date of filing of petition. Learned counsel submits that the impugned order has been passed behind his back and hence, he did not get any opportunity to rebut the evidence and controvert the evidence and allegations levelled against him by the respondents.

A perusal of the impugned judgment however, reveals that it is an ex parte order which was passed after the petitioner absented himself from the proceedings after just 2-3 dates of hearing. Hence, the Family Court cannot be faulted with on the ground of not affording any opportunity of hearing to the petitioner before passing the said order. Thus, this Court is not convinced with the submission made by learned counsel that the Family Court did not give him any opportunity of hearing.

On a pointed query put to learned counsel as to what are the arrears of maintenance due, he submits that the arrears are approximately in the sum of Rs.5,20,000/-.

Adjourned to 17.08.2021.

Meanwhile, Petitioner is directed to deposit a sum of Rs.3,20,000/- in the account of respondent No.1 within four weeks from today. He shall also deposit the remaining amount of Rs.2,00,000/- within two months from today in the accounts of the respondents.

Copy of receipt of depositing an amount of Rs.3,20,000/- be produced on the next date of hearing.”

Thereafter, learned counsel for the petitioner had stated that despite repeated efforts he was unable to hand over the cheque of Rs.3,20,000/- to respondent No.1. On 28.02.2022 the following order was passed:

“Learned counsel for the petitioner submits that in compliance of order dated 16.07.2021, the petitioner had made repeated efforts to hand over the amount of Rs.3,20,000/- lacs by way of cheque to the respondents, however, they refused to accept the same.

Petitioner undertakes to deposit an amount of Rs.3,20,000/- by way of demand draft in the name of respondents in the Registry of this Court within a period of 10 days.



Notice of motion for 17.05.2022 subject to deposit of abovesaid demand draft in the Registry of this Court.”

*As per the office report, no demand draft has been received in the Registry till date.
List on 09.02.2024.”*

It is made clear that in case the orders dated 16.07.2021 and 28.02.2022 are not complied with, the present petition shall be dismissed for non-prosecution.

Registry to inform counsel for the petitioner accordingly.”

Learned counsel for the respondents has informed this Court that order dated 28.02.2022 has not yet been complied with.

Attention has been drawn to the order dated 01.12.2023 reproduced above, wherein Coordinate Bench of this Court has noted that in case orders dated 16.07.2021 and 28.02.2022 are not complied with, the present petition shall be dismissed for non-prosecution. Further, Registry was directed to inform learned counsel for the petitioner accordingly. As per office report, learned counsel for the petitioner was duly informed. Despite that, none appears on behalf of the petitioner today. Therefore, it can safely be presumed that the petitioner or his counsel is not interested in pursuing the present petition.

In view of the above, no ground is made out for continuing with the present petition and the same is dismissed for non-prosecution.

Pending application, if any, stands disposed of.

16.10.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No