

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

242CRM-M-21687 of 2021 (O&M)
Date of Decision:18.01.2024

Manu Khanna...Petitioner

Versus

V.P. Sharma.....Respondent

CORAM: HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Petitioner in person.

Mr. V.K. Kanwal, Advocate,
for the respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The present petition has been filed under Section 407 of the Code of Criminal Procedure, 1973 seeking transfer of below mentioned cases from the District Courts, Chandigarh to Family Court of Panchkula, Haryana:-

Sr. No.	Particulars	Date of filing	Date of orders	Status
1.	Crl Misc. No.159/2015 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma Ann-P-1	23.12.2014	27.08.2012 of Family Court	Pending

2.	Crl Misc. No.391/2015 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma clubbed with Crl Misc No.330/2019 Ann-P2	30.09.2015	27.08.2012 of Family Court Ann-P4	Pending
3.	Crl Misc. No.330/2019 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma Ann- P3	15.01.2019	24.05.2018 of High Court Ann-P-5	Pending
4.	Crl application dt. 8.1.2020 Ann-P-7 informing total amount of arrears of 10 lakh 02500 due till dated 31.12.2019 during it's pendency till date more amount of arrears have piled up.	08.01.2020	18.11.2019 of the Hon'ble Supreme Court Ann- P6	Pending

2. The above transfer applications stand disposed of as per the following:-

Sr. No.	Particulars	Status
1.	Crl Misc. No.159/2015 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma Ann-P-1	Disposed of vide order dated 29.02.2016

2.	Crl Misc. No.391/2015 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma clubbed with Crl Misc No.330/2019 Ann-P2	Disposed of vide order dated 02.02.2019
3.	Crl Misc. No.330/2019 under Section 125(3) of CrPC titled Manu Khanna (mentally retarded) Vs. Dr. V.P. Sharma Ann-P3	Disposed of vide order dated 13.12.2021
4.	Crl application dt. 8.1.2020 Ann-P-7 informing total amount of arrears of 10 lakh 02500 due till dated 31.12.2019 during it's pendency till date more amount of arrears have piled up.	Disposed of vide order dated 13.12.2021

3. The order dated 13.12.2021 passed by the learned Judicial Magistrate Ist Class, Chandigarh is reproduced as under:-

“Today case was fixed for payment of pending arrears of maintenance amount i.e Rs. 34,000/-, Counsel for JD has appeared and suffered a separate statement that JD had deposited an amount of Rs. 34,000/- in the bank account of DH Mannu Khanna vide account no.3000213519 maintained by Central Bank of India on 10.12.2021. Copy of the receipt of the amount which has been deposited has also been placed on record as Ex. A3.

On the other hand, mother of the DH has filed one application that Court has wrongly assessed the arrears of maintenance. As far as this objection is concerned, this Court has already vide its detailed order dated 03.12.2021 and dated 25.11.2021 has assessed the pending arrears of maintenance and the objections regarding mis calculations were also disposed off, so, there is no need to pass any fresh order on the same. The other objection taken by mother of

petitioner/DH is that bank passbook of the petitioner shows that an amount of Rs. 1,30,000/- has been transferred in the bank account of petitioner by Geeta Bhatt which is allegedly second wife of respondent which is not permissible as it may be come under the radar of income tax. As far as this objection is concerned, same is not maintainable because the amount has been deposited in the account of petitioner/DH on behalf of JD and a statement regarding deposition of amount has already been suffered by counsel for the respondent/JD in the Court, so it cannot be presumed or assumed that merely because the payment has been made through second wife of respondent/JD, it is not legal. This Court is only concern with the payment of arrears of maintenance and today all the remaining arrears of maintenance till December, 2021 has been paid by respondent/JD, as such the present execution application petition bearing no. 330 of 2019 stands disposed off being fully satisfied. File be consigned to the record room.”

3. In view of the above, all the cases which are sought to be transferred have been disposed of.
4. In view of the same, the present petition filed by the petitioner has been rendered infructuous.
5. Disposed of as having been rendered infructuous.
6. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 18, 2024

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No