

1. CRR(F)-142-2014

RANJANA SHARMA & ANOTHER
...RESPONDENTS

2. **CRR(F)-227-2014**

KAMAL KUMAR SHARMA
V/S
...PETITIONER

KUMARI SIYA SHARMA **...RESPONDENT**

3. **CRR(F)-73-2015**

KAMAL KUMAR SHARMA
V/S
...PETITIONER

KUMARI SIYA SHARMA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

None for respondents.

HARPREET SINGH BRAR J. (ORAL)

This common order of mine shall dispose of all the aforementioned petitions, as all the petitions are filed by the same petitioner and similar argument is made in all the three petitions that the petitioner is only agreed to pay Rs.3,000/- for his daughter Siya, against three different impugned orders dated 17.05.2014, 25.11.2014 and 27.02.2015. For the sake of

breavity, the facts are borrowed from CRR(F)-142-2014 titled as *Kamal Kumar*

Sharma vs. Ranjana Sharma & another.

2. In CRR(F)-142 of 2014, the revisionist-petitioner is assailing the order dated 17.05.2014, passed by District Judge, Family Court, Gurgaon in case bearing No.144DJ/FC of 09.07.2013 titled as 'Smt. Ranjana Sharma vs. Kamal Kumar Sharma' vide which, maintenance to the tune of Rs.15,000/- per month is awarded in favour of the respondents.

3. In CRR(F)-227 of 2014, the revisionist-petitioner is assailing the order dated 25.11.2014 passed by District Judge, Family Court, Gurgaon in execution petition bearing No.146/DJ/FC dated 25.08.2014 titled as 'Kumari Siya Sharma vs. Kamal Kumar Sharma' vide which, salary account of the JD-petitioner has been attached and Rs.15,000/- per month is ordered to be deducted from the said account.

4. In CRR(F)-73 of 2015, the revisionist-petitioner is assailing the order dated 27.02.2015 passed by District Judge, Family Court, Gurgaon in execution petition bearing No.146/DJ/FC dated 25.08.2014 titled as 'Kumari Siya Sharma vs. Kamal Kumar Sharma' vide which, warrants of attachment against the present petitioner have been issued for 03.04.2015 and also GPF/CPF account of the petitioner has been attached.

5. The brief facts of the case are that marriage of the petitioner and respondent No.1-wife was solemnized on 16.02.2010, according to Hindu Rites and Ceremonies and since then both of them were living as husband and wife in the house of the petitioner. Out of this wedlock, a girl child was born.

6. Learned counsel for the petitioner *inter alia* contends that the petitioner has made a statement to effect the compromise for making a payment of Rs.12,000/- as maintenance to respondent-wife and Rs.3,000/- to his daughter and the learned Court below confirmed the qualification of the respondent-wife, who is BDS (Dental Doctor) and thereafter, the petitioner

agreed to give a statement for paying Rs.3,000/- per month to his minor daughter as maintenance. As the respondent-wife is working as a Lecturer in Eklavya Dental College and Hospital in Rajasthan since 09.11.2009, therefore, the question of giving maintenance does not arise and petitioner is required to take care of his parents also who are solely dependent upon the petitioner and he further submits that the compromise was only effected for making the petitioner liable to pay Rs.3,000/- per month as maintenance for the child and as such, it is further contended that the impugned order is required to be modified as it has been passed without applying the judicial minds and without appreciating the facts on record.

7. Having heard learned counsel for the petitioner and after perusing the record, it transpires that the order dated 17.05.2014 was passed in the presence of the counsel of the petitioner namely, Sh. Vipin Gupta. The relevant portion of the order passed by learned Family Court, Gurgaon is to the following effect.

“xxx....

One RW i.e. respondent is present and tendered his affidavit Ex.RW 1/A and documents Ex.R1 to Ex.R4. At this stage, both the parties have reached a compromise. Vide a separate joint statement, both the parties have amicably resolved the dispute and it is agreed that the respondent shall pay maintenance to the minor daughter, namely, Siya Sharma, only at the rate of Rs.15,000/- per month from the date of filing of the petition i.e. 9.7.2013. The petitioner No.1 does not claim maintenance from the respondent as she is a B.D.S. doctor. They have prayed that the this petition be disposed of accordingly. In view of the joint statement of the parties, the present petition is dismissed as withdrawn. File be consigned to the record room.”

8. Joint statement of the parties wherein, the matter was compromised between them is recorded in the Court itself. The same is

reproduced as under :

“Without oath

We have amicably resolved the dispute and it is agreed that the respondent shall pay maintenance to the minor daughter, namely, Siya Sharma, only at the rate of Rs.15,000/- per month from the date of filing of the petition i.e. 9.7.2013. The petitioner No.1 does not claim maintenance from the respondent as she is a B.D.S. doctor. This petition be disposed of accordingly.”

9. The perusal of the aforementioned record clearly indicates that the aforementioned order was passed after the petitioner has given his consent and the order was passed in the presence of his counsel Sh. Vipin Gupta, Advocate. The petitioner is a well educated person, fully conscious of the consequences of his statement and now he can’t be allowed to make a U-turn. As such, this Court finds no merit in the arguments advanced by learned counsel for the petitioner that the petitioner has only agreed to pay Rs.3,000/- to his daughter Siya. After voluntarily statement made by the petitioner, the aforementioned order was passed by learned District Judge
10. Keeping in view the facts and circumstances of the present case, all the three petitions are dismissed being devoid of any merit.
11. Pending application(s), if any, also stand(s) disposed of.

April 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No