



CRR(F)-87-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR(F)-87-2025 (O&M)

Date of Decision: 22.01.2025

RAKESH LAL

...Petitioner

Versus

VEENA RANI AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Prabhjot Kaur, Advocate
for the petitioner.

KIRTI SINGH, J.(Oral)

Prayer in the present Criminal Revision petition is for setting aside the order dated 04.12.2024 passed by learned Principal Judge, Family Court, Sirsa whereby the defence of the petitioner has been struck off.

2. The facts in brief are that the respondents had filed a petition under Section 125 Cr.P.C. claiming maintenance allowance with averments that on 19.01.2011, the marriage of respondent No. 1 was performed with petitioner as per Sikh rites and ceremonies and out of this wed-lock, respondent No.2 herein was born. The respondent No.1 parents provided dowry beyond their means. After the marriage, the respondent No.1 lived with the respondent at his residence. However, marital issues arose when the petitioner developed an inappropriate closeness with his sister-in-law, leading to a strained relationship with the respondent No.1. The petitioner allegedly subjected respondent No. 1 to both mental and physical abuse demanding additional dowry, including Rs. 5 lakhs in cash and gold jewelry.

Despite efforts at reconciliation through Panchayat mediation, the petitioner



behavior worsened. Further, it was alleged that the petitioner and his family members physically assaulted the respondent No.1 and expelled her from the house, along with her son. Thereafter, the respondents filed petition under Section 125 of Cr.P.C. for granting of maintenance along with an application for ad-interim maintenance against petitioner before learned trial Court. The application for granting ad-interim maintenance was allowed by learned trial Court and the petitioner was directed to pay Rs. 10,000/- per month to the respondents as interim maintenance vide order dated 25.10.2021.

4. Learned counsel for the petitioner submits that the petitioner earns a salary of Rs. 8,000/- per month and is unable to pay the maintenance awarded to the respondents. The petitioner further contends that the defense was wrongly struck off by the learned trial court in its impugned order dated 04.12.2024, which is not sustainable in law. It is also argued that learned Family Court without considering the facts and circumstances of the case passed the impugned order and the defence of the petitioner was wrongly struck off.

5. I have heard learned counsel for the parties and perused the record.

6. The co-ordinate Bench of this Court in **"Rani vs. Parkash Singh"; AIR 1996 Punjab and Haryana 175**, held that if the husband has failed to make the payment of maintenance and litigation expenses to his wife, his defence can be struck off.

7. Similarly, in **"Mohinder Verma versus Sapna"; 2014 SCC Online P&H 25147**, the Co-ordinate Bench of this Court observed that where the spouse, who is directed to pay the maintenance and litigation expenses, the legal consequences for its non-payment are that the defence of the said spouse is liable to be struck off.



8. The Hon'ble Apex Court, in "***Rajnish vs. Neha and Another***", 2021 (2) SCC 224, while discussing the catena of judgments on Enforcement of Orders of Maintenance, observed that the order of maintenance may be enforced by a decree of a Civil Court. However, it was further observed that striking off the defence of the respondent is an order which ought to be passed in the last resort, if the Court finds the default to be wilful and contumacious, particularly to a dependent unemployed wife and minor children. The following observations were made by the Hon'ble Apex Court:-

“ xx xx xx xx

Discussion and Directions on Enforcement of Orders of Maintenance

127. The order or decree of maintenance may be enforced like a decree of a civil court, through the provisions which are available for enforcing a money decree, including civil detention, attachment of property, etc. as provided by various provisions of the CPC, more particularly Sections 51, 55, 58, 60 read with Order 21.

128. Striking off the defence of the respondent is an order which ought to be passed in the last resort, if the Courts find default to be wilful and contumacious, particularly to a dependant unemployed wife, and minor children.

129. Contempt proceedings for wilful disobedience may be initiated before the appropriate Court.

xx xx xx xx”

9. Upon perusal of the impugned order dated 04.12.2024, it is evident that the petitioner has failed to comply with the maintenance order dated 25.10.2021, which directed the payment of Rs. 10,000/- per month to the respondents. Despite the issuance of conditional warrants, the petitioner has not

paid any amount towards the awarded maintenance. In view of the aforementioned facts and the settled position of law, this Court is of the considered opinion that the petitioner, having been afforded multiple opportunities to clear the arrears, has willfully failed to do so. Consequently, the present petition, being devoid of merit, stands dismissed.

Pending application(s), if any, also stands disposed of accordingly.

22.01.2025		(KIRTI SINGH)
Kavita		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No