



105

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-7144-2017 (O&M)

Date of Decision : 21.03.2025

Manjeet Singh

... Petitioner(s)

Versus

Inderjit Kaur

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Navdeep Jain, Advocate for

Mr. Sunny. K. Singla, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 28.08.2017 and the order dated 14.09.2015 whereby maintenance was granted to the respondent.

2. Notice of motion was issued on 12.10.2017 and the proceedings before the Trial Court were directed to be stayed. On 24.05.2019 the following order was passed :

“Learned counsel for the petitioner submits that he is not feeling well. He further submits that the petitioner is ready to pay the awarded compensation only to his minor grand child who is in the respondent's custody.

In view of the above, learned counsel for the petitioner is directed to bring the arrears payable to the respondent on the adjourned date so that the same can be used for the welfare of the minor child. Adjourned to 22.07.2019.”

Thereafter, the matter was adjourned on two dates by order. Subsequently, the matter could not be taken up due to the Pandemic Covid-19 and the same was taken on 14.10.2022 when the following order was passed :

“Learned counsel for the respondent submits that impugned order was passed way back in the year 2017 and since then even a single penny has not been paid by the petitioner to the respondent. Though the statement was made on behalf of petitioner on 24.05.2019 regarding payment of arrears, yet nothing has been deposited so far.

Learned counsel for the petitioner to seek instructions regarding payment of arrears and in default thereof, the right to be heard on merits shall be considered.

Adjourned to 20.10.2022.

To be shown in the urgent list.”

Thereafter, the matter could not be taken up and was adjourned by order due to the heavy Board. On 18.02.2025 the following order was passed :

“On 24.05.2019 the following order was passed :

“Learned counsel for the petitioner submits that he is not feeling well. He further submits that the petitioner is ready to pay the awarded compensation only to his minor grand child who is in the respondent's custody. In view of the above, learned counsel for the petitioner is directed to bring the arrears payable to the respondent on the adjourned date so that the same can be used for the welfare of the minor child. Adjourned to 22.07.2019.”

Thereafter, on 14.10.2022 a Co-ordinate Bench of this Court has noticed in the order that not a single penny had been paid though statement had been made by

counsel for the petitioner on 24.05.2019 regarding the payment of arrears. Learned counsel for the petitioner sought time to get his instructions. Today learned counsel for the petitioner states that he is not able to contact the petitioner and hence he seeks one opportunity.

List on 21.03.2025.

Last opportunity is granted to learned counsel for the petitioner to get his instructions, failing which present petition shall be dismissed.

To be shown in the urgent list”

3. Learned counsel for the petitioner admits that the amount in compliance of the order dated 24.05.2019 qua the maintenance of the minor child has not been paid till date. Even today the learned counsel for the petitioner is not willing to make a statement as to whether the petitioner is willing to pay the amount or not.

4. Heard.

5. The present petition was filed before this Court on 12.10.2017. Prior thereto, the petitioner had stopped appearing before the Trial Court and was proceeded against *ex parte*. On 12.10.2017 itself, he moved an application for setting aside *ex parte* proceedings but, after being granted a stay by this Court, he never appeared before the Trial Court and thereby avoided to pay the maintenance as is apparent from the *zimni* orders of the case being CS/2692/2014 pending before the Civil Judge (Junior Division), Ludhiana, available on the E-court Official Website of District Courts, Ludhiana.

6. Keeping in view the above and in view of the stand taken by the learned counsel for the petitioner, this Court is left with no other option but

to dismiss the present revision petition for non-compliance of the order dated 24.05.2019.

7. Dismissed for non-compliance of the order dated 24.05.2019.

Pending applications, if any, also stand disposed off.

21.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO