

Simmy Anr Vs Om Parkash

CRM-1801-2023.

Present: Sh. Darshan Gupta Advocate for the applicants.

The respondent has been arrested and produced today by the police before me as the Ld. Principal Judge, Family Court, Sangrur is holding Camp Court at Moonak today.

On being asked to make payment of outstanding arrears, he has flatly refused to do so. Perusal of the file shows that a sum of Rs. 3,00,000/- is outstanding as arrears of maintenance for the period 08.04.2021 to 07.10.2023. As held recently by our Hon'ble High Court in Bal Raj Vs Priaya and others(CRR-1218-2021 decided on 12.11.2021) the defaulter can under no circumstances be ordered to undergo composite civil imprisonment for a period beyond one month irrespective of the fact that the arrears claimed in a single application by the aggrieved party may be for more than one month. In view of the reasons and law cited supra, respondent is ordered to be sent to judicial custody till 04.05.2024 for default in making payment for the aforesaid period. It is further made clear that if respondent Om Parkash makes payment of Rs. 3,00,000/-, then he be released from the custody by jail authorities. Ahlmad is directed to prepare custody warrants of respondent. Respondent be produced on 04.05.2024 before the Ld. Principal Judge, Family Court, Sangrur.

Date of Order: 05.04.2024

Harish Kumar
Stenographer

(Dr. Deepti Gupta)
Addl. Principal Judge Family Court
Sangrur UID No.PB00219