



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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COCP No. 2938 of 2024
DATE OF DECISION :- 24.07.2025

Heena Jain**...Petitioner****Versus****Vipul Gupta****...Respondent**

Present:- Mr. Bharat Bir Singh Sobti, Advocate for the petitioner.
(Through V.C.)

Mr. Vishal Aggarwal, Advocate for the respondent.

HARKESH MANUJA, J. (Oral)

1. By way of filing the present contempt petition petitioner prays for proceeding against the respondent for wilful non-compliance of the order dated 24.01.2023 passed by this Court in CRR No. 1992 of 2022, the operative portion thereof is extracted hereunder :-

“In the meanwhile, the husband shall keep on paying the maintenance as awarded, however, the parties may consider the amount already paid for adjustment in the permanent alimony, in case the parties decide to part ways.

All the proceedings initiated by the respondent against the petitioner and by the petitioner against the respondent shall remain stayed till the next date of hearing only.

The above arrangement is only to work out an amicable solution and this shall not affect the rights of the parties, in case, they decide to litigate.”

2. Learned counsel for the petitioner submits that after 24.01.2023, the respondent was required to deposit Rs.2 lakh per month in terms of the decision dated 02.08.2022 passed by the Court of learned Additional Sessions Judge, Ludhiana, however, there was no continuous compliance towards the same; the respondent



always remained in arrears thereof and thus was required to be proceeded further in the present petition. Learned counsel for the petitioner further submits that though a sum of Rs.10 lakhs was deposited by the respondent on 24.01.2023 followed by two deposits amounting to Rs.4 lakhs each in March, 2023 and May 2023, however, he remained in arrears on account of non-compliance of the order dated 24.01.2023 since May, 2023 which compelled the petitioner to approach this Court by way of filing the present proceedings in August, 2024. Sh. Sobti also points out that it was only in the present proceedings the respondent deposited another sum of Rs. 10 lakhs on 15.05.2025 and thus there was wilful non-compliance of the directions dated 24.01.2023 passed by this Court on his part and accordingly was liable to be proceeded further in the present contempt.

3. On the other hand learned counsel for the respondent submits that vide its order dated 17.11.2021, the Court of learned JMIC, Ludhiana directed the respondent to pay interim maintenance at the rate of Rs.75,000/- per month which was later modified/enhanced to Rs.2 lakh per month by the Court of learned Additional Sessions Judge, Ludhiana and the same was put to challenge by both the sides before this Court having filed CRR No. 1992 of 2022 and CRR No. 2283 of 2022. Both the aforementioned Civil Revisions were disposed of by this Court vide its judgment dated 20.05.2025 thereby setting aside the order dated 02.08.2022 passed by the Court of learned Additional Sessions Judge; resultantly restoring the order dated 17.11.2021 passed by learned JMIC, Ludhiana thereby fixing maintenance at the rate of Rs.75,000/- per month. He further points out that the total arrears of maintenance as ordered against the respondent at the rate of Rs.75,000/- per month from the date of filing of the application i.e. 05.02.2020 till July, 2025 would come to Rs.48,75,000/- whereas against the same the respondent has already paid a sum of Rs.89,29,693/- to the petitioner which was in excess at the present moment. Learned counsel thus submits that with the change of circumstances, the respondent may not be proceeded



further in the present contempt proceedings even as the non-compliance of the order dated 24.01.2025 was never wilful nor deliberate.

4. I have heard submissions made by learned counsel for the parties and have gone through the paper book.

5. I am unable to find any substance in the submissions made on behalf the petitioner.

6. In the facts and circumstance of the present case, the order dated 02.08.2022 passed by the Court of learned Additional Sessions Judge, Ludhiana fixing the maintenance at the rate of Rs.2 lakhs got modified by this Court vide judgment dated 20.05.2025 and the same was reduced to Rs.75,000/- per month. As a matter of fact, the respondent has already paid a sum of Rs.89,29,693/- to the petitioner against his liability of Rs.48,75,000/-, as such it would not be proper at this stage to proceed further against the respondent especially when the purpose and object of the proceeding under the contempt of Courts Act, 1971 is only to uphold and maintain the integrity of Court proceedings and never to prosecute or punish any litigants; more particularly when the proceedings are arising out of matrimonial discord and are relating to payment of arrears of maintenance. Further more, the petitioner shall always be at liberty to approach this Court again subject to any modification of the decision dated 20.05.2025. Disposed of accordingly.

7. Rule stands discharged.

8. Pending applications (if any) stands disposed of.

(HARKESH MANUJA)
JUDGE

24.07.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No