

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.428 of 2012

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Smt. Priti Devi, W/o Prasad Kumar Singh, and D/O Late Ragho Singh At
Present Resident Of Village- Ossan, P.S- Navinagar, District- Aurangabad.

.... Petitioner

Versus

Prasidha Kumar Singh, S/o Late Sita Ram Singh Resident Of Dr. Narayan
Prasad Lande Near Sulabh Sauchalaya, Tripolia, P.S- Sultanganz, District-
Patna, At Present Posted As Section Officer, Water Resources Department,
Government Of Bihar, Patna

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate

For the Respondent/s : Mr. Sanjay Singh, Advocate

Mr. Ajay Kumar Tiwary, Advocate

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CORAM: HONOURABLE JUSTICE SMT. T. MEENA KUMARI

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE JUSTICE SMT. T. MEENA KUMARI)

14 31-01-2013

The present contempt petition has been filed alleging
violation of the order dated 17.08.2011 passed in M.A. No. 57 of
2011.


From perusal of the aforesaid order, it appears that
the respondent was directed to pay an amount of Rs.10,000/- per
month to the appellant till she is alive. The observation made by
the Division Bench at paragraph 5 reads as follows:-

*“It is also directed that the respondent No.
1 shall pay a consolidated amount of Rs.10,000/- per
month to the appellant with effect from 1st of September,
2011 till she is alive with the provision that this amount
shall be increased by 10% every 5 years. This amount*

shall be paid by the respondent even after superannuating from service. In the event the appellant outlives the respondent no.1, then 100% family pension shall be payable to the appellant in order to make this arrangement more workable. It is expected that the said amount shall be deposited by the respondent No.1 in Account No.11113600238 of the State Bank of India at Aurangabad Branch latest by the 15th of every month. It is made clear that any violation of this arrangement shall give cause of action to the appellant to move this Court in appropriate proceeding pointing out disobedience of this order.”

The matter was adjourned several times and finally the opposite party makes himself present physically before this Court on 10.01.2013 in pursuance of the order dated 08.01.2013 passed by this Court. The respondent had paid an amount of Rs.45,000/- comprising of Rs.20,000/- cash and also a cheque of Rs. 25,000/- as recorded in the order dated 10.01.2013.

Learned counsel appearing on behalf of the respondent has submitted that the respondent has already made ready an amount of Rs.60,000/- comprising of two cheques each of Rs.30,000/- in favour of the appellant-petitioner herein bearing number 003682 dated 16.01.2013 and 003683 dated 21.01.2013. The said cheques amounting to Rs.60,000/- have been handed over to the learned counsel appearing on behalf of the petitioner



in the open Court which has been acknowledged by the learned counsel for the petitioner. It has also been submitted that according to the learned counsel for the appellant-petitioner herein the total amount comes to Rs.1,12,000/- whereas the respondent has calculated Rs.105000/-. Hence, the respondent is directed to make effort to pay the balance Rs.7000/- to the appellant at the earliest.

The respondent has filed a show cause today in this Court indicating at paragraph 3 that an amount of Rs.3000/- per month has already been deducted from his salary and the balance amount of Rs.7000/- per month is required to be paid.

Under the above circumstances, we are of the opinion that a direction can be issued to the employer of the respondent to deduct an amount of Rs.10,000/- per month from the salary of the respondent and deposit the same in the Bank Account of the appellant-petitioner herein as directed by this Court vide order dated 17th August, 2011 passed in Miscellaneous Appeal No. 57 of 2010.

We make it clear that the order dated 17th August 2011 passed by the earlier Division Bench of this Court in Miscellaneous Appeal No. 57 of 2010 shall be complied by the respondent in its entirety and in violation of the same the

appellant-petitioner herein can agitate her right before the appropriate forum.

With the above observation, the contempt petition is closed.

(T. Meena Kumari, J.)

(Vikash Jain, J.)

Ashwini/-