

ITEM NO.26

COURT NO.16

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).2303/2024

[Arising out of impugned final judgment and order dated 16-10-2023 in CRR No.4090/2023 passed by the High Court of Judicature at Allahabad]

RUBINA KHAN

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(IA No. 30707/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 30708/2024 - EXEMPTION FROM FILING O.T.)

Date : 22-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Yusuf, AOR

For Respondent(s) Mr. Sharan Dev Singh Thakur, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.
Ms. Rupali, Adv.

Mr. Md. Rashid Saeed, AOR

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioner draws the attention of this Court to order dated 19.02.2025, which reads as under:-

"Respondent no.2 is directed to deposit a sum of Rs.4,00,000/- directly into the bank account of the petitioner within a period of four weeks.

2. List the matter on 26.03.2025."

2. On a direct query to the learned counsel for respondent no.2 as to whether the amount of Rs.4,00,000/- (Rupees Four Lakhs), as directed above, has been deposited in the bank account of the petitioner, the answer is in the negative. However, he submits that he is carrying a demand draft of Rs.1,00,000/- (Rupees One Lakh) with him which can be given to the petitioner.

3. We make it very clear that any order which is passed by the Court has to be mandatorily complied with without there being any option to the party concerned. Further, an offer to pay Rs.1,00,000/- (Rupees One Lakh) today through demand draft, will not be a mitigating circumstance for this Court not to take a strict view in the matter especially, when we are informed that the respondent no.2 is a practicing Advocate who is supposed to be fully aware of the requirement of compliance of the orders of any court.

4. Accordingly, we impose a fine of Rs.50,000/- (Rupees Fifty Thousand) on respondent no.2 for such non-compliance, more so, in view of the fact that no petition has been filed by him seeking recall or modification of our earlier order.

5. From perusal of the impugned order itself, it appears that it was conditional, subject to the arrears being cleared by six monthly installments, which according to the petitioner, respondent no.2 has not done. It was further submitted that respondent no.2 is also not appearing in the proceeding before the courts below. Learned counsel for respondent no.2 contests the stand taken and submits that he is appearing before the courts below.

6. Be that as it may, we deem it appropriate to clarify the situation that if the respondent no.2 has not paid the amount in terms of the impugned order and cleared the arrears within the time stipulated, the High Court order shall become ineffective and the order of the Family Court in the present case shall stand revived. The Family Court shall examine the issue and ensure that respondent no.2 pays the amount and the order is duly executed for which, all powers available to the court be exercised. The fine of Rs.50,000/- (Rupees Fifty Thousand) imposed on the respondent no.2 shall also be payable to the petitioner. By way of grace, we direct that the entire amount be cleared within a period of four months from today after adjusting the amount which may have already been paid to the petitioner. We further make it clear that the order being passed in the presence of the learned counsel for respondent no.2, if the entire arrears is not cleared within the time fixed and prospectively also payments are not made, under the special facts and circumstances of the present case, the Family Court may refer the matter to the jurisdictional collector for recovery of the amount from respondent no.2 as a revenue due under the appropriate Statute.

7. The Special Leave Petition stands disposed of in the aforementioned terms.

8. Pending application(s), if any, shall also stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)