

ITEM NO.38

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2139-2140/2021

[Arising out of impugned final judgment and orders dated 06-12-2019 in CR Nos. 47/2016 & 57/2016 passed by the High Court of Jharkhand at Ranchi]

SHUSMA DAYAL

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

[TO BE TAKEN UP AT 2:00 P.M.]

IA No. 88483/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 30603/2022 - EXEMPTION FROM FILING AFFIDAVIT

Date : 30-07-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Dr. Shashi Kiran, Sr.Adv.
Ms. Sadhana Sandhu, AOR
Ms./Mr.Joshmine Minj, Adv.

For Respondent(s) Mr. Shantanu Sagar, AOR

Mr. Dushyant Parashar, AOR
Mr./Ms.Manu Parashar, Adv.
Mr. Dinesh Pandey, Adv.

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

1. Heard learned counsel for the parties.

2. The present petitions call in question the correctness of judgment and final order(s) dated 06-12-2019 passed by the High Court of Jharkhand at Ranchi in Criminal Revision Nos. 47/2016 & 57/2016.

3. The petitioner and respondent no.2 are estranged couple. Respondent no.2 claims that he has an *ex-parte* decree of divorce in his favour.

4. Be that as it may, the present proceedings arise out of a maintenance claim filed by the petitioner herein. The concerned Trial Court had, originally on 15.01.2007, ordered the respondent no.2 to pay a maintenance allowance of Rs.5,000/- per month to the petitioner herein and another Rs.2,000/- per month to minor daughter Shreya with effect from the date of filing of the case i.e. 20.12.2005. Thereafter, by an order of 17.10.2015, the concerned Court modified the amount to that of Rs.6,000/- per month in all for the petitioner herself and her daughter. The order of 17.10.2015 was to operate from the date of the order as per the directions of the Principal Judge, Family Court, Hazaribagh.

5. Both parties carried the matter to the High Court. The High Court maintained the order of the Trial Court. Insofar as the date of operation is concerned that would mean that the maintenance as ordered on 17.10.2015, was to operate from the said date.

6. The respondent no.2 has accepted the said order of the High Court dated 06.12.2019.

7. The petitioner, aggrieved by the denial of maintenance

from the date of application, is before us.

8. When the matter came up on 17.02.2026, this Court directed the respondent no.2 to pay 50% of the arrears i.e. Rs.18,00,000/- within a period of four weeks. Thereafter, the matter came up on 28.04.2026, when this Court noticing that none appeared for respondent no.2 and that the amount also had not been paid, issued non-bailable warrants against the respondent no.2 and directed production of respondent no.2 before this Court on 15.07.2026.

9. On 15.07.2026, the matter could not be taken up, since one of the Hon'ble Judge had to recuse. That is how the matter is before us today.

10. Today, the respondent no.2 in pursuance of the non-bailable warrants, has been produced before us by Mr.Satendra Ram, Sub-Inspector of Police, Lalpania O.P./Lalpania P.S., Thana Mahuatad/Mahuatand, District Bokaro, Jharkhand, pursuant to the remand order dated 27.07.2026 passed by the Judicial Magistrate First Class, Bermo at Tenughat, Jharkhand. That remand order is taken on record.

11. Mr. Dushyant Parashar, learned counsel appears for respondent no.2. We have enquired from respondent no.2 as to why the amount as directed, has not been paid. Respondent no.2 states that he does not have the means to pay any amount.

12. We cannot let the matter rest here.

13. Ms. Shashi Kiran, learned Senior Counsel for the petitioner submits that respondent no.2 is working at Tenughat Vidyut Nigam Limited(for short, 'TVNL'), which is situated at

the following address:-

Tenughat Vidyut Nigam Limited
(A Govt.of Jharkhand Undertaking)
ABD Area, Smart City,
Dhurwa, Ranchi-834004

14. This *factum* is denied by respondent no.2, who, however, states that he is working with the contractor, a certain Aryan Enterprises, which contractor in turn works for TVNL. The address of Aryan Enterprises is as follows:-

Mrs. Champa Sharma,
Proprietor,
Aryan Enterprises,
T.T.P.S., Lalpania, Ramgarh Road,
Shop No.5, Bokaro,
District Bokaro (Jharkhand)

15. When we enquired from respondent no.2, as to where he is residing, he stated that he is residing in an accommodation provided by the contractor. When we ask Mr.Satyendra Ram, Sub-Inspector of Police, as to where the respondent no.2 was picked up from, he stated that it was from the "quarters" of TVNL.

16. Let summons be issued to the Managing Director, TVNL, who shall file an affidavit before the next date of hearing setting out as to whether respondent no.2 is an employee of TVNL. The Managing Director shall also explain as to how and in what capacity the respondent no.2 is occupying the

'quarters' of TVNL.

17. We also issue notice to the proprietor- Mrs. Champa Sharma, Aryan Enterprises situated at the above address. Mrs.Champa Sharma, shall also set out as to in what capacity respondent no.2 is associated with her firm.

18. In case the respondent no.2 is an employee of TVNL, the Managing Director, TVNL, shall also set out the designation and emoluments of respondent no.2 with documentary proof.

19. In case the respondent no.2 is working with Aryan Enterprises, Mrs. Champa Sharma shall set out in her affidavit, the emoluments paid to respondent no.2. Proper documentary proof has to be annexed for payments made.

20. We, further, direct respondent no.2 to file an affidavit of the movable and immovable assets held by him including details of bank accounts.

21. Till the next date of hearing, Respondent no.2 shall have the benefit of bail provided he appears within three days before the Judicial Magistrate, Hazaribagh and executes a bond for Rupees Ten thousand with two sureties of the like amount to the satisfaction of the said Court.

22. The respondent no.2 shall appear on video conferencing on the next date of hearing.

23. We also direct that the Managing Director of TVNL as well as Mrs.Champa Sharma, shall join the proceeding of these matters through video conferencing on the next date of hearing.

24. List these matters on 25th August, 2026 at 2.00PM.

(NIRMALA NEGI)

ASTT. REGISTRAR-cum-PS

*remand order attached with RoP

(NIKITA SINGH)

COURT MASTER (NSH)