

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

**EMG-WP(C) PILNo. 2/2020**  
(Through Video Conference)

Court on its own motion

..Applicant Appellant(s)

Through:- Ms. Monika Kohli, Amicus curiae.  
(on Video Conferencing from her office at  
Jammu)

v/s

Union Territory of J&K and Ladakh

....Respondent(s)

Through:- Mr. Tahir Shamsi, ASGI  
(On Video Conferencing from his residence  
at Srinagar)

**HON'BLE THE CHIEF JUSTICE**

(on Video Conference from High Court at Jammu)

**Coram:**

**HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

(on Video Conference from High Court at Jammu)

**ORDER**  
**02.06.2020**

01. A status report dated 1<sup>st</sup> June 2020 has been filed by Mr. M. K. Sharma, Member Secretary, Jammu and Kashmir State Legal Services Authority (JKSLSA) compiling information with regard to the cases involving maintenance as well as child custody issues. The list includes several cases where maintenance orders stand passed. However, the same have not been complied with.

We are informed that in some cases it is on account of the inability of the respondents to comply with the order on account of loss of employment because of the COVID -19 related issues.

Be that as it may, cases in which the orders stand passed would show that a judicial mind has found a party in need of sustenance and maintenance. This would include the wives, children and parents of the respondents against whom orders stand passed.

02. In the given circumstances, implementation of coercive methods against persons who have not paid maintenance would serve no fruitful purpose so far as needs of the families are concerned. It would appear that intervention is needed from the State Authorities to assist this category of needy persons, in cash or in kind.

03. In view thereof, we direct the Member Secretary, Jammu and Kashmir State Legal Services Authority (JKSLSA), to collate the full information regarding the names and addresses of persons in whose favour maintenance orders have been passed, particulars of the case in which order has been filed; date of the order; the amount of maintenance awarded. Copies of the order of maintenance shall be compiled.

04. The above details as well as copies of the orders shall be sent by Member Secretary Jammu and Kashmir State Legal Services Authority (JKSLSA) to the Secretary, Department of Social Welfare, Union Territory of Jammu and Kashmir, who may look into the matter and examine the

possibilities of providing sustenance in cash or kind to those persons in whose favour maintenance orders have been passed which are not being complied with keeping in view the peculiar circumstances on account of COVID-19 crisis.

05. We find in the list filed by Mr. M. K. Sharma, Member Secretary JKSLSA, reference is made to a case titled '*Master Shine Choudhary vs. Sh. Pawan Kumar*' which is pending in the Court of Special Railway Magistrate Jammu (page 21 of the report). It is stated that visitation rights has been awarded in favour of the father of the child, however, his parents appear to be co-operating and are jointly involved in the treatment of one child. It is further reported that the behavior of the parties is bringing them quite close and there is possibility of amicable settlement of the dispute. It would appear that this case is a fit case for exploring possibility of a negotiated settlement by mediation.

06. Mr. M. K. Sharma, Member Secretary JKSLSA, shall look into this matter and explore the possibility of virtual mediation to assist the parties in resolving all their disputes. It shall be open to Mr. Sharma if he deems proper to discuss the matter with Ms. Veena Ralli, Organizing Secretary, Samadhan Mediation and Conciliation Centre, Delhi High Court, to conduct the mediation. In case a mediator of experience is available in Jammu, it will be open for Mr. M. K. Sharma, to appoint such mediator to assist in the virtual mediation.

07. Let a report be filed before us before the next date of hearing.
08. Mr. Tahir Shamsi, learned ASGI, Srinagar, on behalf of Union Territory of Laddakh prays for a short adjournment for placing the report on record.
09. Let the same be placed before us before the next date of hearing.
10. List the matter on 16<sup>th</sup> June 2020.

**(RAJNESH OSWAL)**  
**JUDGE**

**(GITA MITTAL)**  
**CHIEF JUSTICE**

Jammu  
02.06.2020  
SUNITA

