

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: 22nd February, 2010

CM (M) No. 257/2010 & CM No. 3413/10

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22.02.2010

Munish Mehra

... Petitioner

Through: Mr. Atul Bandhu, Advocate

Versus

Ratna Mehra & Ors.

... Respondents

Through: Mr. K.N.Kataria, Sr. Advocate with
Mr. K.P.Mavi, Advocate

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT (ORAL)

This petition under Article 227 of the Constitution of India has been filed by the petitioner with a prayer that this Court should quash the order dated 12th December, 2009 passed by the learned ADJ (North) in Execution Petition No. 143/2009 and to hold that the petitioner was not liable to pay the amount as being sought to be taken under the execution.

2. The petitioner suffered an order of maintenance of the respondents. The respondents filed an execution of the maintenance order. The petitioner thereafter filed objections against the execution and the trial Court vide order dated 12th December, 2009 dismissed the objections against the execution after considering the plea of both the parties. The petitioner has approached this Court against the order of the Executing Court alleging that the Executing Court had wrongly entertained the Execution Petition and the petitioner was not liable to pay the maintenance as demanded.

3. I have gone through the order passed by the Executing Court. The Executing Court has taken into account the pleas raised by the petitioner regarding his liability/non-liability to pay the maintenance and considering the orders of maintenance, rightly held that the execution was very much maintainable. I find that

this petition was not maintainable as this Court under Article 227 does not act as a Court of Appeal. It is not the case of the petitioner that there was any jurisdictional error committed by the trial Court or the order passed by the Executing Court was not in consonance with the maintenance order. The petitioner wanted the Executing Court to go behind the maintenance order and to vary and change the maintenance order on the basis of interpretation being given by the petitioner. The orders passed by the Court regarding maintenance were clear and did not need any clarification or interpretation. The Executing Court rightly dismissed the objections.

This petition has no force and is hereby dismissed.

February 22, 2010

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SHIV NARAYAN DHINGRA, J.