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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37747 of 2015 (O&M)

Date of decision: November 04, 2015

Inderjit Singh

.....Petitioner

Versus

Neelam Rani

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Sidhu, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 04.02.2015 (Annexure P-5) and dated 20.08.2015 (Annexure P-6).

Learned counsel for the petitioner has submitted that the petitioner was not aware of the pendency of the execution proceedings against him. In fact, respondent had got an *ex-parte* order against the petitioner on an application under Section 125 of Code of Criminal Procedure, 1973 ('Cr. P.C.' for short). Petitioner had moved an application for setting aside the *ex-parte* order dated 11.01.2012. The said application was still pending and during the pendency of the said application, conditional warrants of arrest had been issued against the petitioner.

Respondent had filed an application under Section 125 Cr. P.C. against the petitioner seeking maintenance. A perusal of the order dated 11.01.2012 (Annexure P-2) reveals that the petitioner had failed to appear despite service and was proceeded *ex-parte* vide order dated 27.09.2011. Application moved by the respondent under Section 125 Cr. P.C. was allowed in *ex-parte* vide order Annexure P-2. Respondent filed an application for recovery

of maintenance amount as the petitioner had failed to pay the maintenance amount in terms of order Annexure P-2. Petitioner moved an application for setting aside the *ex-parte* order Annexure P-2. A perusal of the application moved by the petitioner Annexure P-3 reveals that in Para-3 of the application, it has been mentioned by the petitioner that he came to know about the *ex-parte* order when he received notice in the recovery proceedings. Thus, the argument raised by the learned counsel for the petitioner that the petitioner was not aware of the recovery proceedings is without any force. Application for setting aside the *ex-parte* order Annexure P-2 was moved by the petitioner in August, 2013.

Annexure P-5 is the order dated 04.02.2015 and the same reads as under:-

“Case called several times since morning but none has appeared on behalf of respondent. It is 3.30 PM. As such respondent proceeded against exarte. Let conditional warrants against the respondent Inderjeet Singh be issued for 09.04.2015.”

Since the petitioner had failed to appear in the recovery proceedings, the trial Court was left with no other option but to issue conditional warrants of arrest against the petitioner.

In view of the above facts, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

November 04, 2015
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