

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-F No.133 of 2013 (O&M)
Decided on: 13.03.2015**

Smt. Mithlesh & Another . . . Petitioners

Versus

Narender Singh . . . Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Divya Godara, Advocate
for the petitioners.

Mr. Parmod Parmar, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

1. Petitioners have assailed the order dated 07.06.2013, passed by District Judge (Family Court), Bhiwani, vide which the execution petition filed by the petitioner wife was ordered to be dismissed for non compliance of the order i.e. non furnishing of correct address of the respondent.

2. Petitioners claim that respondent husband is serving in army and on the day when the execution, petition came up for consideration, respondent husband stood transferred and his address was given as 'Pin 900476 C/o 56-APO'.

3. Aforesaid address of army personnel is a known phenomenon and army person is normally served by this process. However, for want of service of respondent, District Judge (Family Court), Bhiwani dismissed the petition for non-prosecution.

4. In pursuance to the notice issued, learned counsel appears on behalf of respondent could not refute the practice of

serving army persons on the address of C/o 56 APO. Therefore, he could not have any plausible objection. However, he submits that the husband may be allowed to appear through an Advocate in execution proceedings. This prayer seems worth acceptance.

5. The Family Court has already awarded sum of ₹2500/- per month in favour of petitioner wife and an amount of ₹1500/- as maintenance in favour of minor petitioner No.2.

6. The recovery of this amount is sought to be executed at the earliest by the petitioner.

7. Keeping in view the attending circumstances of the case and in order to meet recurring expenses of education of minor son, in all fairness, it will be appropriate to restore the execution petition and allow the husband to appear through counsel in execution on 30.03.2015.

8. Impugned order dated 07.06.2013, passed by District Judge (Family Court), Bhiwani, is therefore, set aside.

9. Executing Court is directed to proceed with the execution and make every endeavour to decide the same preferably within 3 months from the receipt of copy of this order.

10. Petition stands disposed of accordingly.

[Raj Mohan Singh]
Judge

13.03.2015
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