

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

CRR(F)-124-2014 (O&M)

Date of decision : 06.01.2015

Virender Singh

...Petitioner

Versus

Suman

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Shalender Mohan, Advocate,
for the petitioner.

JITENDRA CHAUHAN, J.

The petitioner is aggrieved of the impugned order dated 03.06.2014, passed by the learned District Judge, Family Court, Hisar, whereby, conditional warrant of arrest has been issued against the petitioner-husband.

The learned counsel refers to Section 125(3) of the Code of Criminal Procedure to contend that no warrant could be issued for the recovery of the amount unless an application is made to be Court within a period of one year from the date on which it became due. In the present case, the respondent has filed execution petition before the learned family Court on 04.06.2013, for the execution of order dated 21.12.2010.

Heard.

While passing the impugned order, the learned Court below has specifically noticed that the petitioner-husband, in spite of having sufficient means, is willfully neglecting to comply with the order of the Court and is not making the payment of arrears of maintenance allowance. The conditional warrant of arrest has been issued against the petitioner only to secure his presence. The question whether the execution petition itself is maintainable as per law, shall be gone into by the learned Executing Court.

In view of the above, finding no illegality or perversity in the impugned order, the present petition is hereby dismissed.

06.01.2015

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(JITENDRA CHAUHAN)
JUDGE