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

CRWP No.965 of 2016 (O&M)

Date of decision: September 20, 2016

Ganesh Awasthi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Amrita Nagpal, Advocate
for the petitioner.

Mr. Karan Sharma, AAG Haryana.

Mr. Pawan Kumar, Senior Advocate with
Mr. S.K. Daaria, Advocate
for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This Court had made an order dated 26.07.2016 for release of the petitioner from jail since he was detained in execution proceedings as maintenance order that was made in the sum of ₹1 lacs per month in favour of the respondent-wife who is a household lady. This Court had asked the petitioner to deposit ₹5 lacs with the trial Court as a condition for his release on bail. Accordingly, petitioner has been released from the jail.

Learned counsel for the respondent-wife submits that the respondent-wife would be automatically entitled to the said amount of ₹5 lacs which has been deposited as a condition for the release of the petitioner from the jail, arising out of the execution proceedings. I do not agree. The petitioner has preferred a revision petition before the higher

Court against the order awarding maintenance in the sum of ₹1 lacs per month in favour of the respondent-wife. The release of the amount of ₹5 lacs in this petition can be decided only by the revisional Court testing the validity of order awarding maintenance in the sum of ₹1 lac per month as jurisdiction of this Court in this petition is limited to the writ of the Habeas Corpus and not to decide the rights of the parties. Whatever are the rights of the parties, even the amount of ₹5 lacs will have to be decided by the competent revisional Court and not in the writ proceedings leading to the Habeas Corpus.

With these observations, this petition is disposed of, subject to the further orders to be passed by the revisional Court. Liberty is reserved in favour of the respondent-wife to apply with the revisional Court for release of this amount of ₹5 lacs.

(A.B. CHAUDHARI)
JUDGE

September 20, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No