

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1440 of 2018

Date of Decision: May 23, 2018

Jaswinder Kaur

...Petitioner

Versus

Nirmal Singh (deceased) through L.Rs

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Ms.Suminderdeep Kaur, Advocate for
Mr.Rajeev K. Kapila, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The present revision is directed against the order dated 16.11.2017, whereby the execution application claiming maintenance against the husband (now deceased), has been dismissed.

Ms.Suminderdeep Kaur Advocate for Mr.Rajeev K. Kapila, learned counsel representing the petitioner submitted that Jaswinder Kaur petitioner had filed the execution application for seeking arrears of maintenance awarded @ ₹800/- per month to the wife and ₹600/-per month each to the children in proceedings initiated under Section 18 of the Hindu Adoption and Maintenance Act. Nirmal Singh judgment debtor had expired, but the maintenance was made a charge over the properties of the judgment debtors, which were under the control and management of the respondents. The claim of maintenance was w.e.f. 1.3.2011 to 28.2.2012 amounting to ₹9,600/- and prayer was made for recovery of the amount by sale of the property.

The aforementioned execution application was contested by the

judgment debtors. The trial Court framed the issues. On the basis of the issues, it has come on record that Nirmal Singh had died. He had half share in certain properties and also executed a sale deed in the year 2005, but the Court had declined the application on the ground that Nirmal Singh had died and, therefore, there was no arrears of maintenance.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that the impugned order does not suffer from perversity, for, Nirmal Singh, against whom the order of maintenance was passed, had died and all the arrears till his death are clear. It was a personal between the husband, wife and the children and liability cannot be passed on the legal representatives and rightly so, the execution has been dismissed, for, the claim was of the subsequent amount of maintenance.

For the reasons stated above, no ground for interference is made out. Resultantly, the revision is dismissed.

May 23, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No