

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3394 of 2018
Date of Decision: 17.07.2018

Tek Chand

.... Petitioner

Versus

Neelam

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Satbir Gill, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred by the petitioner against the order dated 11.04.2018 passed by the Additional District Judge, Sirsa, dismissing the objections filed by the petitioner in the execution under Order 21 Rule 11 read with Section 28A of Hindu Marriage Act for enforcement of order dated 10.11.2014 passed by the Additional District Judge, Sirsa in the application under Section 24 of Hindu Marriage Act.

[2]. Vide the aforesaid order, maintenance *pendente lite* @ Rs.2500/- per month was awarded in favour of the respondent/wife from the date of application i.e. 06.02.2014.

[3]. It appears from the record that at one point of time i.e. at the time of first motion, some statement of the parties was

recorded, but later on, the said statement was diluted and the petitioner was held liable to make payment of maintenance vide order dated 30.05.2017 passed by the Additional District Judge, Sirsa. The judgment debtor/petitioner Tek Chand had appeared in person and stated that he will come present on the next date of hearing along with payment. His statement was recorded and the case was adjourned to 14.07.2017 for consideration. The statement of the petitioner made on 17.05.2017 was also to the effect that he will come present along with the amount on the adjourned date, otherwise he will go in jail. Statement of learned counsel for the respondent dated 21.07.2017 in lieu of opportunity for arguing the application cannot be read over and above the scope of said order.

[4]. Concededly, the petitioner has no documentary proof of making payment of arrears of maintenance to the respondent except to allege that an amount of Rs.40,000/- was paid outside the Court. No such amount was recorded in any order of the Court, nor the same finds mention in the statement of the petitioner at any point of time.

[5]. Considering the nature of proceedings on record, I find no reason to differ with the impugned order dated 11.04.2018 passed by Additional District Judge, Sirsa. This revision petition is accordingly dismissed. Executing Court

would be at liberty to take recourse to lawful action against the petitioner.

July 17, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No