

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

Civil Revision No.6244 of 2017
Date of Decision : 06.07.2018

Vir Singh

...Petitioner

Versus

Supyar Devi

...Respondent

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. R.D. Yadav, Advocate
for the petitioner.

Mr. A.S. Yadav, Advocate
for the respondent.

B.S. Walia, J (Oral)

1. Challenge is to order dated 31.05.2017, Annexure P-5 passed by the learned Additional Civil Judge, (Senior Division), Rewari dismissing the objections filed by the petitioner/JD.

2. Main objection taken up by the petitioner/JD to the execution application was that a compromise had been effected between the parties whereupon his father had transferred land measuring 11 Kanals 16 Marlas in favour of the decree holder vide sale deed No.2209 dated 23.08.2010 and mutation No.5200 dated 16.09.2010 had been made in respect thereto besides, he had paid a sum of Rs.60,000/- to the decree holder/respondent. It was further contended before the learned executing Court that since the

defence of the JD was struck off in the main case on 17.08.2006, the factum of compromise of the year 2010 could not be brought to the notice of the Executing Court. In the aforementioned circumstances, prayer was for dismissal of the execution petition.

3. Respondent/decreed holder on the other hand, denied the existence of any such compromise having been arrived at between the parties. The learned executing Court dismissed the execution petition by observing that even if it be assumed that that petitioner/JD's father had transferred land measuring 11 Kanals 16 Marlas in favour of the respondent/decreed holder-wife, there was no evidence that the land was in lieu of maintenance and that the husband being an able bodied person could not shirk his responsibility of maintaining his wife.

4. Learned counsel for the petitioner has not been able to show anything in support of the plea that 11 Kanals 16 Marlas of land was transferred in favour of the Respondent/Decreed holder-wife in lieu of maintenance.

5. It has also been brought to the notice of this Court that in the meantime, the petitioner/JD remarried and is not paying maintenance awarded to the respondent/decreed holder-wife @ Rs.1500/- per month.

6. I have considered the submissions of learned counsel. In the absence of any material on record to show that the decree has been satisfied or that a compromise in respect thereto has been arrived at between the parties and that the 11 Kanals 16 Marlas of land stated to have been transferred in favour of the Respondent/Decreed holder-wife was in lieu of maintenance, the petitioner/JD is bound to comply with the decree. In the circumstances, there is no merit in the revision petition. Accordingly, the same is dismissed.

7. A sum of Rs.10,000/- deposited with the Registry of this Court be remitted to the respondent by way of demand draft. Dismissed with
aforementioned directions.

(B.S. Walia)
JUDGE

06.07.2018
Manpreet

Whether reasoned/speaking	Yes
Whether reportable	Yes