

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

Crl. Misc. M- 6161 of 2016 (O&M)
Date of Decision: 21.8.2018

Gurjaipal Singh

...Petitioner

Versus

Vinika and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harmanjeet Kaur, Advocate
for the petitioner.

Mr. G.S. Sandhu, Advocate,
for the respondents.

JAISHREE THAKUR, J. (Oral)

This is the petition that has been filed under Section 482 of the Code of Criminal Procedure for setting aside the impugned judgment dated 10.8.2015, by which maintenance has been allowed to the respondents by the Additional Sessions Judge, Ludhiana. The petitioner herein has been directed to pay maintenance @ ₹7,000/- per month, which include ₹4,000/- per month for the wife and ₹3,000/- per month for the minor child.

Notice of motion had been issued in the said matter and appearance has been caused on behalf of the respondent.

Today an adjournment slip has been circulated on the ground that the learned senior advocate for the petitioner has an important matter before a coordinate Bench and, therefore, he is unable to attend the court today. However, the petitioner, who is present in court today (has produced

his Identity Card and also identified by respondent No.1 as well as her counsel) submits that the parties herein have compromised the matter among themselves and seek modification of the order so passed. A photocopy of the Identity Card issued by the employer of the petitioner is taken on record.

The petitioner herein submits that he is not in a position to clear the maintenance, as assessed, however, would make payment @ ₹10,000/- per month on or before 7th day of each month to the account of respondent No.1. This payment would be all inclusive. Apart from that today he has handed over a demand draft of ₹50,000/- to respondent No.1, which clears the arrears upto July, 2018. A photocopy of the demand draft is taken on record.

Respondent No.1 has no objection to the proposal putforth by the petitioner and accepts the same. She has furnished the bank details of her account as under:-

“Vinika Taak
Saving Account No. 30095500168
State Bank of India,
IFSC: SBIN0001482
MICR : 141002019”

At this stage, the petitioner herein submits in view of the statement of respondent No.1, the execution matter pending before the executing court be withdrawn by respondent No.1. Respondent No.1 undertakes to withdraw the execution petition filed by her.

In view of the fact that the matter has been settled amicably in the terms and conditions mentioned hereinable, this petition is partially allowed. Statements of the parties have also been recorded and retained on court file.

The parties are at liberty to appear before the exuecting court
and furnish a copy of this order.

21.8.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No