

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

CRR No.3649 of 2017(O&M)

Date of Decision:19.02.2018

Rajni Bala and anotherPetitioners
Vs.

Sanjiv Kumar and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Manmeet Singh Rana, Advocate for the petitioners.

LISA GILL J. (ORAL)

The petitioner is aggrieved of order dated 28.07.2017 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur, whereby the objections filed by respondent no.2(father-in-law of petitioner No.1) have been allowed and the property was ordered to be released from attachment and conditional warrants were issued qua respondent No.1.

Brief facts necessary for the adjudication of the case are that petitioner No.1 filed a petition under Section 125 Cr.P.C. claiming maintenance from her husband respondent No.1-Sanjiv Kumar. The petition was allowed by the learned Addl. Chief Judicial Magistrate, Hoshiarpur on 13.12.2013 by assessing the maintenance @ Rs.3500/- per month to the petitioner-wife and @ Rs.2500/- per month for petitioner No.2 i.e. minor daughter. Copy of the said order is attached as Annexure P-1. The said order was admittedly passed exparte against respondent No.1-husband.

Thereafter execution petition was filed by the petitioners. Warrants of attachment of the property which was mentioned in the list attached was issued vide order dated 17.05.2016 (Annexure P-2). Respondent No.2-father-in-law of petitioner No.1 filed objections on 26.10.2016 (Annexure P-3) specifically stating that the property ordered to be attached was self-acquired property of the objector as well as his wife. Petitioner No.1, it was stated that, had obtained a decree of divorce on 01.04.2016 from her husband-respondent No.1. The objector and his wife it was further stated that were acquitted in the criminal proceedings under Sections 406 and 498-A IPC.

The objections filed by respondent No.2 were accepted and vide impugned order dated 18.08.2017, it was directed that the property earlier ordered

to be attached be released and conditional warrant of arrest of respondent No.1 i.e. husband of petitioner no.1 was issued. It is specifically mentioned in the impugned order that the property in question belongs to respondent No.2, who is the father-in-law of the petitioner No.1, whereas the Judgement debtor in this case is admittedly the husband of petitioner No.1 i.e. respondent No.1.

Learned counsel for the petitioner is unable to deny that the property in question which was directed to be attached indeed belongs to respondent No.2, her father-in-law.

In this view of the matter, there is no illegality or infirmity in the impugned order dated 28.07.2017 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed.

(LISA GILL)
JUDGE

19.02.2018

Anjal

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No