

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

CRR(F)-376-2018

Date of decision:-2.8.2018

Jagjit Singh

...Petitioner

Versus

Gurmeet Kaur and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sarwinder Goyal, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of filing the present revision petition, revisionist Jagjit Singh craves for setting aside of the impugned order dated 19.7.2018 passed by the Executing Court.

Briefly stated, facts of the case are that Gurmeet Kaur, estranged wife aged about 29 years and Mahek Preet Kaur, minor daughter aged about 10 years of Jagjit Singh - respondent, who is revisionist before this Court had moved an application for recovery of maintenance under Section 125, 126 Cr.P.C. amounting to Rs.1,89,000/-, awarded as Rs.4,000/- per month for applicant No.1 and Rs.3,000/- per month for applicant No.2 from 7.11.2015 to 6.2.2018 + Rs.10,000/- as

counsel fee and expenses of execution application, total amount being Rs.3,89,000/-. The respondent had appeared before District Judge, Family Court, Barnala on 19.7.2018. The case was adjourned to 2.8.2018 for making payment of the maintenance to the applicants by the respondent.

The main grouse of learned counsel for the petitioner/ revisionist is that the applicants cannot recover arrears of maintenance for more than one year in terms of Section 125 Cr.P.C. However, he has drawn my attention towards proviso to Section 125(3) Cr.P.C., which provides that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due.

According to learned counsel for the revisionist – petitioner, the applicants can recover maintenance amount for one year in one execution application, whereas in the application filed by them, they have sought recovery from 7.11.2015 to 6.2.2018, which is not permissible under the law.

But then the revisionist can take such plea before learned District Judge, Family Court, Barnala, rather than rushing to this Court by way of filing the present revision petition since if there is any procedural irregularity that can certainly be rectified by the Court concerned. Therefore, I do not find any reason to allow the revision petition so as to set aside the impugned order.

The revision petition stands dismissed, however, with the observations that the petitioner may take all the pleas available to him

before the trial Court, which after considering the same can then pass appropriate order in accordance with law.

2.8.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No