

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

**CRR(F)-494-2018 (O&M)
Date of Decision: 27.09.2018**

Mohit

....Petitioner

Versus

Mrs. Sarika

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Surinder Sharma, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J

The petitioner assailed the order dated 01.09.2018 passed by the Family Court, Gurugram where conditional warrants of arrest had been ordered to be issued. The Executing Court noted in its order that an application for exemption from personal appearance was filed by the judgment debtor when the execution was fixed for payment and his presence was not required and payment was to be made and he could transfer the amount in the bank account. The judgment debtor had remained absent on one pretext or another. The Court dismissed the application for exemption and conditional warrants were issued to secure his presence for 17.10.2018.

Counsel for the petitioner states that amount allowed in Domestic Violence Act proceedings have to be adjusted and the amount is less than over 2 lakhs and he had filed his calculations. Counsel was asked to

give the copy of the account statement or disclose the amount paid. Counsel states that those were filed before the Court below.

The Executing Court is seeking presence of the judgment debtor. It is for him to appear before the Court below. The order cannot be said to be illegal. It is for him to justify his absence or give reasons for non-payment there and file appropriate application.

The order does not call for any interference from this Court.

Petition is dismissed.

September 27, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No