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

**Civil Revision No.232 of 2019 (O&M)
Date of Decision: 30.10.2019**

GURMEET KAUR

.....Petitioner

Vs

GURJANT SINGH

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Raman Singh Dhanda, Advocate
for the petitioner.

Mr. Robin Lohan, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the orders dated 12.03.2018 and 12.04.2018 passed by the Addl. Civil Judge (Senior Division) Guhla vide which the execution was dismissed in default for non-compliance of the order passed by the Court and application for restoration of the execution proceedings was dismissed.

[2]. Perusal of the record would show that there was fault on the part of the petitioner in not depositing *munadi* fee despite asking of her counsel on many times. The statement of the counsel was recorded by the Court, wherein incriminatory

attitude of the petitioner was highlighted and the same was taken into consideration while passing the impugned order dated 12.03.2018.

[3]. Perusal of the impugned order dated 12.03.2018 would show that the petitioner did not file the list of properties of the judgment debtor. The decree under execution is a decree for maintenance granted in favour of the petitioner. Respondent-judgment debtor is the husband of the petitioner and the respondent is in arrears of huge amount. The couple has been blessed with a daughter. Respondent has not maintained them by way of paying amount of maintenance which was fixed by the Court. The accumulation has entailed in filing execution for recovery of arrears of maintenance. The maintenance is recurring feature and needs to be answered with some flexibility. The execution was transferred from Patiala to Kaithal.

[4]. Warrants of attachment of the property of the judgment debtor was ordered to be issued on filing list of properties by the decree holder/petitioner. The needful was not done at one point of time and the execution was dismissed in default on 23.02.2016. However the same was restored on 01.11.2017. The warrants of attachment could not be ordered for want of list of properties by the petitioner within requisite period. The needful was not done despite the opportunities given to the

decree holder and the executing Court ultimately dismissed the execution.

[5]. Learned counsel for the petitioner submitted that before the executing Court also the petitioner was represented by legal aid counsel and owing to the conduct of the previous counsel, true picture has not come on record.

[6]. This revision petition has also been filed through legal aid counsel. Petitioner along with her daughter is present in Court. Petitioner has no means of sustenance. The arrears of maintenance would be the source of sustenance of the petitioner as well as her dependent daughter in the future.

[7]. Keeping in view of the *inter se* relationship between the parties, I deem it appropriate to condone the latch, if any on behalf of the petitioner, in not submitting the list of properties of the judgment debtor/respondent, who happens to be husband of the petitioner.

[8]. At this stage, without entering into fray of any such misgivings between the previous counsel of the petitioner, I deem it appropriate to give one opportunity to the petitioner to file list of properties of the judgment debtor or move an application under Order 21 Rule 41 CPC in accordance with law.

[9]. In view of above, the impugned orders dated 12.03.2018 and 12.04.2018 passed by the Addl. Civil Judge

(Senior Division) Guhla are set aside. One more opportunity is granted to the petitioner to act in accordance with law. This revision petitions stands disposed of.

October 30, 2019

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No