

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

C.R. No.8259 of 2017 (O&M)
Date of Decision.09.04.2019

Rajesh Kumar Bansal

...Petitioner

Vs

Kiran Devi

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Grover, Advocate
for the petitioner.

Mr. Vikas Lochab, Advocate
for the respondent.

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AMIT RAWAL J. (ORAL)

C.M. No.6187-CII of 2019

The application is allowed.

Reply by way of affidavit on behalf of respondent is
taken on record.

C.R. No.8259 of 2017

Mr. Ashish Grover, learned counsel appearing on behalf
of the petitioner submitted that in execution petition under Order 21
Rule 33 CPC, both parties on 09.09.2017 suffered following
statement:-

“Kirna Devi Vs Rajesh Kumar Exe.09,2017

*Stated that I withdraw the objections filed by me against
the applicant for execution of the applicant because I am
going to join the society of the applicant in compliance
of decree dtd 24.9.2015, today itself and I may kindly be
given some time of fortnight for arranging*

accommodation for taking my wife and daughter with me in the same.

*RO&AC
Rajesh Bansal.*

*(Ajaib Singh, UIN -PB-0120)
District Judge, Family Court,
Barnala.*

Kiran Devi Vs.Rajesh Kumar

Statement of Kirna Devi/ complainant

Stated that I will start residing with my husband Rajesh Kumar in the rented accommodation w.e.f. 1.10.2017 and thereafter, will withdraw the present application.

*RO&AC
Kiran Devi
9.9.2017*

*(Ajaib Singh)
District Judge, Family Court,
Barnala.”*

Without assigning any reason, the trial Court ordered for attachment of the property and an opportunity must have been afforded to give reason for not allegedly adhering to the order or statement made.

Mr. Lochab, learned counsel appearing on behalf of the respondent-wife submitted that respondent-wife is intended to go with the petitioner but he stated that he would be coming only once or twice in a month.

I have heard learned counsel for the parties and appraised the paper book. The order under challenge, in my view, cannot be stated to be a reasonable order. In fact, it is bereft of reasoning. Explanation of the husband ought to have been taken regarding status in purport of statement extracted above. The District

Judge as Family Court should circumspect in such sensitive matters.

The impugned order is set aside. The family court shall proceed in terms of the statements made by the parties in accordance with law and not in the manner and mode as has been done.

The revision petition is disposed of in the above terms.

(AMIT RAWAL)
JUDGE

April 09, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No