

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : July 24, 2019

1. Criminal Misc. No. M-22854 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

2. Criminal Misc. No. M-25204 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

3. Criminal Misc. No. M-25152 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

4. Criminal Misc. No. M-25203 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

5. Criminal Misc. No. M-24675 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

6. Criminal Misc. No. M-25774 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

7. Criminal Misc. No. M-24729 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

8. Criminal Misc. No. M-24684 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

9. Criminal Misc. No. M-24678 of 2019 (O&M)

Balraj Singh Kular

....Petitioner

versus

Balraj Kaur and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Saurabh Kapoor, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

All the above detailed petitions under Section 482 of the Code of Criminal Procedure (in short, Cr.P.C.) invoking inherent jurisdiction of this Court seeking quashment of order dated 20.4.2019 passed in different execution proceedings, however, between the same very parties, on account of consanguinity of facts and law point are taken up together for disposal.

Petitioner Balraj Singh Kular, husband of respondent no. 1 Balraj Kaur and father of respondent no. 2 Japuji Kaur admittedly got married on 25.10.2009 with respondent no. 1, out of which respondent no. 2 was born to the couple on 4.12.2011. However, on account of matrimonial dispute between the couple led to multifarious litigation under different provisions of law. The present matter is an outcome of an application under Section 125 Cr.P.C. filed by the wife and the minor child seeking grant of maintenance allowance. The concerned court disposed of the maintenance application vide orders

dated 6.1.2018. It is for the enforcement of the order of maintenance, the dependents filed nine different execution applications seeking execution of orders dated 6.1.2018. The husband to thwart the execution of the orders filed objections to the same. It is vide impugned orders dated 20.4.2019, the court of learned Additional Principal Judge (Family Court), Ludhiana dismissed the objections in each execution application of the objector husband and which is precisely under assail before this Court.

Upon considering the submissions of Mr. Saurabh Kapoor, learned counsel for the petitioner and perusal of the records. It is the own stand of the petitioner that the order of maintenance is still under challenge in a revision petition filed by the husband and therefore, is yet to attain finality. More-so under Section 23 of the Prevention of Women from Domestic Violence Act, 2005, the dependents have also sought interim maintenance which stands allowed vide orders dated 22.2.2019 passed by learned Judicial Magistrate Ist Class, Ludhiana.

The only agreement that could be raised before this Court by the petitioner side that no opportunity of effective hearing was offered to the present petitioner who was then respondent to address arguments on application for maintenance and thus, which

is within the purview of the revisional court which is going to put to test the order under Section 125 Cr.P.C. on the touchstone of illegality and propriety of that very finding. The court below has rightly held that on one hand the husband is trying to put to assail the orders of maintenance before a revisional court and on the other hand is trying to raise objections on the same very ground and which is primarily over the income tax returns and therefore, the very merits of an order as such cannot be assailed in the execution when statutory recourse has already been adopted by the husband and therefore, the executing court cannot go behind such an order to hold on to its legality and validity. Counsel for the petitioner could not convince this Court how the impugned finding has resulted in gross miscarriage of justice necessitating intervention by this Court. Rather what one can draw from the pleadings and the arguments of the counsel for the petitioner, the petitioner husband being an Advocate is trying to take a route to misadventure with the sole object to delay and defeat the legitimate rights of the dependents to get the order executed and has intentionally filed these nine different petitions with that sole motive and thus not only is trying to put to harassment the respondents but unduly wasting the precious time of the Court and therefore, all these petitions stand dismissed with special costs of Rs

5000/- per petition which shall go to the Legal Aid Authority of Ludhiana and be recovered as arrears of land revenue, in case the petitioner fails to abide by the same.

July 24, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No