

120.

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

CRM-M-52630-2018

Date of decision:15.01.2019.

NARESH THAKUR & ORS

... Petitioners

versus

NEENA DADWAL

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioners.

Mr. Arnav Sood, Advocate,
for the respondent.

HARI PAL VERMA, J. (Oral)

Petitioners have filed the present petition under Section 482 Cr.P.C. to quash the order dated 20.10.2018 (Annexure P-5) whereby learned Judicial Magistrate Ist Class, Hoshiarpur, on an application filed by respondent-Neena Dadwal, the petitioners (respondents No.4 to 6 in the execution proceedings) along with others arrayed as respondents in the execution were directed to pay maintenance of Rs.1 lakh to the respondent-applicant as an interim relief. Since the said amount was not paid, learned Magistrate, while allowing the application, has attached the salary of petitioner No.1-Naresh Thakur.

Power of attorney filed on behalf of respondent in Court today, is taken on record.

Learned counsel for the petitioners has argued that petitioner No.1-Naresh Thakur whose wife-Namrata died on 07.10.2010, has no

He states that in a complaint filed by the respondent-complainant under the Protection of Women from Domestic Violence Act, 2005, for causing harassment, mental & physical torture and misappropriation of Istri Dhan, learned Magistrate vide judgment dated 14.07.2015 had allowed the complaint *ex parte*. Against the *ex parte* judgment passed by learned Magistrate on 14.07.2015, petitioners have already filed an application under Order 9 Rule 13 CPC (Annexure P-2) for setting aside the *ex parte* decree which is pending consideration before the learned Judicial Magistrate Ist Class, Hoshiarpur and is fixed for tomorrow. He further states that so long as the application under Order 9 Rule 13 CPC is pending, the order dated 20.10.2018 may be kept in abeyance.

Learned counsel for the respondent has no objection and fairly states that the trial Court should decide the application under Order 9 Rule 13 CPC within a specified time and in any case within 1 month from today.

I have heard learned counsel for the parties.

Considering the argument raised by learned counsel for the respondent, the present petition is disposed of with a direction to the learned Magistrate with whom the application under Order 9 Rule 13 CPC is pending consideration to take a call and to decide the said application within 1 month from today.

Accordingly, the order 20.10.2018 (Annexure P-5) be kept in abeyance for 1 month from today or till the application filed under Order 9 Rule 13 CPC is decided.

(HARI PAL VERMA)
JUDGE

15.01.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No