

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

C.R. No. 8478 of 2018 (O&M)

DATE OF DECISION :- January 31, 2019

Meenu Jain

...Petitioner

Versus

Ankesh Jain

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vansh Malhotra, Advocate for the petitioner.

Learned counsel for the petitioner has stated that the judgment debtor- respondent does not have any property in his name, which can be got attached and sold for realization of dues of maintenance running into about Rs.6 lacs. In the impugned order passed by the executing Court declining the request of the petitioner for issuance of conditional warrants of arrest it is mentioned that the petitioner decree holder had herself stated that Rice Mill is being run under the name of mother of respondent and he has got sufficient amount to comply with the decree. It has been mentioned in the order that judgment debtor has not produced any list of properties in the name of judgment debtor. There seems to be mistake in such observation because judgment debtor is shown to have been proceeded against ex-parte and he could not possibly produce list of properties in his name. The executing Court seems to be taking hyper technical view in the matter.

The revision petition is disposed of with the observations that

on petitioner filing an affidavit before the executing Court that she is not having any knowledge of any property of respondent-J.D which can be got attached and sold for recovery of dues, the executing Court would consider the request for issuance of conditional warrants of arrest against respondent and decide it as per law. keeping in view the fact that amount to be recovered is towards maintenance payable by the respondent to the petitioner.

A copy of this order be sent to the executing Court for information and necessary compliance.

(H.S. MADAN)
JUDGE

January 31, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No