

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

**CRR (F) No.254 of 2021
Date of Decision:12.08.2021
(Heard through VC)**

Ujjwal Sharma

...Petitioner

Versus

Jyoti

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Balraj Gujjar, Advocate
for the petitioner.

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JAISHREE THAKUR, J. (ORAL)

The challenge in the instant revision petition is to the order dated 16.07.2021 passed by Additional Principal Judge, Family Court, Gurugram whereby conditional warrant has been issued against the petitioner in the execution petition for default of payment of arrears of maintenance awarded to the respondent under Section 125 Cr.P.C.

Counsel for the petitioner herein would contend that the order dated 16.07.2021 is not sustainable on the ground that an execution petition would not be maintainable to recover arrears of maintenance beyond a period of one year from the date on which it became due. Apart from that summons were issued to the petitioner on 10.07.2021 to appear on the Court on 16.07.2021 and on account of COVID restrictions, his counsel could not put in an appearance. Moreover, without allowing any opportunity to the petitioner to file objections, warrant of arrest has been issued.

At this stage, Mr. Balraj Gujjar would contend that the

petitioner is willing to put in appearance and contest the execution petition and may be given liberty to raise all pleas there, particularly the plea regarding maintainability of the execution petition beyond a period of one year in terms of proviso to Section 125(3) Cr.P.C.

I have heard counsel for the petitioner and propose to dispose of this petition *in limine*, as the petitioner has shown his willingness to put in appearance and contest the execution petition on merits.

Consequently, the instant revision petition is disposed of with the observation that the petitioner will appear before the Executing Court and seek appropriate remedy before the Executing Court itself in respect of impugned order and to contest the execution petition on merits. Arrest of the petitioner in pursuance to the conditional warrants issued vide order dated 16.07.2021 is stayed for a period of ten days from today in order to enable him to seek his remedy before the Executing Court.

August 12, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
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Whether reportable	Yes/No
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