
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.1681 of 2021

Date of decision:24.08.2021

Manu Chopra

...Petitioner

Versus

Parul Chopra

...Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sushant Kareer, Advocate,
for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

In the present revision petition filed under Article 227 of the Constitution of India, the petitioner-husband seeks setting aside of the order dated 23.07.2021 (Annexure P-12), whereby the Additional Principal Judge, Family Court, Gurugram has adjourned the case to 31.08.2021 for making payment as well as for consideration on objection.

Counsel for the petitioner has vehemently tried to argue on the issue that on account of change of situation, as such, regarding the education being provided to the two children, the execution would not be maintainable qua the arrears of Rs.60,000/-, which were to be paid as per Clause 10 of the agreement dated 04.08.2014 (Annexure P-1) *inter se* the husband and wife.

It is submitted that the obligation was also to pay school fees of the children on the petitioner-husband, who at that stage were studying at Ridge Valley School, Gurugram. On account of the children having been shifted to Kodaikanal International School, Tamilnadu, the petitioner-husband is now paying much more fees than the school at Gurugram.

In the considered opinion of this Court, once the execution is pending before the Family Court and the petitioner-husband has also filed his reply, the present petition, as such, is a premature one in the given facts and circumstances. Only when the Family Court decides the execution application which has been duly replied to and various objections have already been raised and since the factual picture is still hazy, it would be inappropriate to enter into the present controversy at this stage.

Accordingly, keeping in view the above, this Court does not exercise its supervisory jurisdiction under Article 227 of the Constitution of India at this stage and, hence, the present revision petition is dismissed in limine.

August 24, 2021
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Whether speaking/reasoned:
Whether Reportable:

(G.S.Sandhawalia)
Judge

Yes/No
Yes/No