

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

CRM-M-20150-2022

Date of Decision: 11.5.2022

Ajay Yadav

..... Petitioner

Versus

Neeru and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikrant Rana, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 11.4.2022. passed by the learned Executing Court, vide which, conditional warrant of the petitioner has been issued for 25.5.2022.

Learned counsel for the petitioner has submitted that the learned Executing Court has fallen in error in issuing impugned conditional warrants. He submits that the petitioner had already paid Rs.3,65,000/- out of total arrears of maintenance of Rs.9,76,000/-. The balance amount of Rs.6,11,000/- is to be paid. He has submitted that after filing of petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the respondent-wife has got Government job and hence, she is getting a handsome salary. He submits that in view of the same, she is not entitled for the maintenance. He has submitted that the petitioner has the responsibility of the old aged parents as well and besides this he has to pay monthly instalments of Rs.12,875/- for personal loan and he is paying Rs.11,400/- as monthly instalments for his car loan. He submits that the learned Executing Court has failed to appreciate the abovesaid facts and hence, the impugned order issuing the conditional warrant, should be set

aside.

I have heard learned counsel for the petitioner and perused the record.

It is apparent from the arguments advanced and the record the case that the respondent-wife is a decree holder. As per the arguments advanced by learned counsel for the petitioner before the Executing Court, the petitioner gave a proposal for One Time Settlement and it was settled between the parties that the judgment debtor i.e. the petitioner would give an amount of Rs.8 lacs to decree holder in one time settlement. However, on hearing the parties, the learned Executing Court found that though the judgment debtor i.e. the petitioner had contended that there was a mutual compromise between the parties for Rs.8 lacs out of which he had paid Rs.6 lacs and the petitioner had already given Rs.3,65,000/- to the respondent-wife but there was no evidence produced before the Court of having paid any such amount. Despite the opportunities given by the Court, he did not produce any bank statement or any other evidence in support of the arguments raised. The contention raised by learned counsel for the petitioner that the respondent-wife is doing Government job, is of no consequences. The decree-holder is duly entitled for the execution of the decree passed in her favour. The petitioner has failed to produce any stay of the decree for which the execution is filed. The Court finds no infirmity in the order passed by the learned Court below, thus, the petition being devoid of any merit is hereby dismissed.

11.5.2022
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE