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

CRM-M-21926-2022

Date of Decision: May 23, 2022

Sukhjinder Singh alias Sukha

.....Petitioner

Versus

Priya Sharma

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashok Kumar Khunger, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.

Instant petition has been filed under Section 407 Cr.P.C. praying for transfer of the application under Section 125 Cr.P.C. filed by the respondent against the petitioner from the Family Court, Fazilka to any other Court of competent jurisdiction in the State of Punjab.

It has been contended by learned counsel for the petitioner that the marriage between the petitioner and the respondent took place on 25.11.2017. However, no issue was born out of the wedlock. On account of temperamental differences between the husband and the wife, the matrimonial discord took place and the respondent/wife left the matrimonial home without any reason. Thereafter, she filed an application under Section 125 Cr.P.C. for grant of maintenance in the Court of Judicial Magistrate, Fazilka, on 23.01.2019. She also filed an application for grant of interim maintenance and the said application was allowed by learned Chief Judicial Magistrate, Fazilka, vide order dated 14.10.2019 granting Rs.5,000/- per month interim maintenance to her. The respondent/wife also filed an

application under Section 125(3) Cr.P.C. for recovery of maintenance amounting to Rs.1.50 lakhs for a period from 23.01.2019 to 22.07.2021 in which conditional warrants of arrest were issued by the learned Principal Judge, Family Court, Fazilka on 12.04.2022.

Counsel for the petitioner submits that though the petitioner had paid the entire maintenance of Rs.1.50 lakhs, the Family Court has illegally and wrongly issued the conditional warrants vide order dated 12.04.2022. The prime contention in the petition is that the Judicial Officer has issued the conditional warrants against the petitioner despite his having been deposited the complete amount of Rs.1.50 lakhs and hence, the case be transferred from the Court of learned Judge, Family Court, Fazilka to any other Court of competent jurisdiction in the State of Punjab.

Heard.

After hearing learned counsel for the petitioner and perusing the record of the case, it is apparent that the learned Family Court had issued the conditional warrants in discharge of its judicial functioning. If the petitioner is aggrieved by the said order, he is at liberty to avail the legal remedies as available to him under law. However, the contentions raised in the petition are totally misconceived and the same cannot be a ground for transferring the trial of a case. A perusal of Annexure P-5 shows that the execution being fully satisfied already stands withdrawn.

Hence, the petition being devoid of any merit is hereby dismissed.

May 23, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No