

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

CRR(F)-304-2021

Date of decision : 28.02.2022

Jasbir

..... Petitioner

versus

Rajbala and anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Yashveer Kharb, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court by way of this revision petition impugning the order dated 12th July, 2021 passed by the Additional District & Sessions Judge as Additional Principal Judge, Family Court, Panipat wherein, the objections filed by the petitioner in the execution petition filed by the respondent-wife have been dismissed by the learned Family Court.

It has been contended by counsel for the petitioner that vide order dated 21st April, 2015, the respondent-wife was granted the maintenance of Rs.2,000/- per month and Rs.1,000/- per month to the minor. However, neither the petitioner challenged the same further nor the respondent-wife. The wife filed the execution petition for implementation of the order dated 21th April, 2015 but the same was dismissed in default on 16th May, 2017. He submits that thereafter the respondent-wife filed the present execution petition without restoring the earlier execution petition which was dismissed in default on 16th May, 2017. He submits that filing of the present execution petition is not maintainable and thus, the learned trial Court has drawn a wrong

conclusion in rejecting the objections filed by the petitioner.

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

It is admitted fact that the Family Court granted the maintenance to the respondent-wife vide its order dated 21st April, 2015 wherein, a sum of Rs.2,000/- was awarded as maintenance to the respondent-wife and Rs.1,000/- to the minor. Admittedly, this order was never assailed further by the petitioner. As a result, the order dated 21st April, 2015 becomes final and binding on the petitioner. The petitioner harped upon the arguments that the earlier execution petition filed by the respondent-wife was dismissed in default on 16th May, 2017 and hence, the present execution petition was not maintainable. The arguments raised by counsel for the petitioner is without any merits. The respondent is a decree-holder and has every right for filing the present execution even after filing the earlier one.

This Court finds no merit in the petition filed and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

28.02.2022
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No