

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-1653 of 2023

Date of Decision: 12.1.2023

Vijay Kumar

---Petitioner

versus

Meena Devi

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K.Agnihotri, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petitioner under Section 482 Cr.P.C., is seeking quashing of impugned order dated 7.12.2022 (Annexure P-6) whereby SDJM, Bilaspur, District Yamuna Nagar has issued conditional warrant of arrest.

The trial court vide order dated 31.7.2019 (Annexure P-2) has directed the petitioner to pay a sum of Rs. 8,000/- per month as maintenance from the date of filing of petition apart from Rs. 2,000/- per month towards rent from 31.7.2019. The petitioner preferred appeal before Additional Sessions Judge, Yamuna Nagar at Jagadhari who vide order dated 12.5.2022 modified order passed by the trial court to the extent that amount of maintenance was reduced from 8,000/- to 6,000/- per month, however, no amendment qua rent was

made.

The respondent preferred an execution petition before the trial court seeking recovery of arrears of interim maintenance amounting to Rs. 3,41,700/- and the trial court vide order dated 7.12.2022 has issued conditional warrant of arrest for recovery of Rs. 3,41,700/-.

Learned counsel for the petitioner inter alia submits that petitioner is liable to pay a sum of Rs. 6000/- per month towards maintenance w.e.f. 12.1.2015 and a sum of Rs. 2000/- per month towards rent w.e.f. 31.7.2019 i.e. date of order of trial court. The respondent has calculated amount of maintenance and rent w.e.f. 12.1.2015 without considering the fact that order of trial court has already been modified by appellate court and trial court has allowed rent from the date of passing of the order and not from the date of filing of application. The petitioner is ready to pay maintenance amounting to Rs. 6,000/- per month as well rent of Rs. 2,000/- per month, in terms of order passed by the appellate court.

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

Without commenting upon merits of the case and in view of statement of learned counsel for the petitioner, the present petition is disposed of with a direction to the petitioner to appear before SDJM, Bilaspur District Yamuna Nagar on 18.1.2023 alongwith proof of payments already made.

If the petitioner has already made payment of substantial

amount, the trial court would sympathetically consider case of the petitioner.

In the meantime, no coercive steps shall be taken against the petitioner.

(JAGMOHAN BANSAL)

JUDGE

12.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No