

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

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CRM-M-9846-2023

Date of decision:23.02.2023

BALKAR SINGH

..... petitioner

VS

CHARANJIT KAUR

.... Respondent

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Mayur Karkra, Advocate for the petitioner

ALOK JAIN, J. :

The present petition has been filed seeking quashing of the order dated 17.01.2023 (Annexure P-10) passed by the learned Additional Principal Judge, Family Court, Sangrur, whereby conditional warrants have been issued against the petitioner for non payment of the arrears of maintenance.

Learned counsel for the petitioner, at the outset, submits that the petitioner is ready to clear the amount claimed in the execution application (Annexure P-4), which comes to around Rs.35,000/- . He has fairly submitted that the total outstanding amount as on today is around Rs.65,000/- and prays for some time to clear the said amount also.

Without commenting upon the merits of the case and in the light of the fact that the petitioner has admitted to remit the amount, the order dated 17.01.2023 (Annexure P-10) is set aside. However, the same is subject to the condition that the petitioner shall deposit a sum of Rs. 40,000/-towards the arrears of maintenance on or before the next date fixed before the Family Court and he shall clear the outstanding amount within a period of four months thereafter. The arrears will be cleared in addition to the amount already imposed.

At this stage, learned counsel for the petitioner submits that an application under Section 126(2) Cr.P.C. for setting aside the ex parte order dated 04.06.2022 is pending before the Court below and non decision of the same is detrimental to the rights of the petitioner. The said application was filed on 12.07.2022 and the same is also listed along with the execution petition on 28.02.2023.

In the light of the above, the present petition is disposed of with a direction to the learned Family Court to decide the matter expeditiously. In case the petitioner does not abide by the undertaking given in Court with regard to the payment, this order shall be deemed to be vacated and the execution petition pending before the Family Court shall be proceeded in accordance with law as per order dated 17.01.2023 passed by the Court below.

With the disposal of the main petition, pending misc.application, if any, shall also stand disposed of.

(ALOK JAIN)
JUDGE

23.02.2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No.