

In the High Court of Punjab and Haryana at Chandigarh

112

CRM-M-10753 of 2023

Date of Decision: 01.03.2023

Seerat Kaur Sidhu

---Petitioner

versus

Avtar Singh Sidhu

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mandeep Singh, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through the instant petition under Section 482 Cr.P.C., is seeking direction to respondent to furnish surety by way of fixed deposit or any other mean to safeguard monthly maintenance of Rs. 5000/- per month which has been granted vide order dated 28.08.2018 passed by trial court.

Learned counsel for the petitioner inter alia contends that petitioner preferred a petition under Section 125 Cr.P.C. seeking maintenance which came up for consideration before Family Court, Moga. The District Judge (Family Court), Moga vide order dated 28.08.2018 granted maintenance of Rs. 5000/- per month to the petitioner. The petitioner apprehends that respondent may leave country, thus, petitioner would not be able to get even Rs. 5000/- per month from the respondent. The petitioner has moved an application before trial Court seeking direction to respondent to secure

maintenance of Rs. 5000/- per month granted to the present petitioner.

The trial court has issued notice of motion for 28.03.2023.

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

From the perusal of record and arguments of learned counsel for the petitioner, it comes out that Family Court has awarded maintenance of Rs. 5000/- per month to the petitioner. The petitioner has remedy of execution in case of non-payment of maintenance by the respondent. The petitioner has filed suit before trial Court seeking the same relief which the petitioner is seeking from this Court. The petitioner at the same time cannot approach two courts for the same prayer. Even otherwise, in view of remedy of execution, this would be unjustified and unfair to direct the respondent to furnish security to secure maintenance awarded by Family Court.

In view of the above, no order is warranted.

Dismissed.

The dismissal of present petition may not be considered as opinion of this Court. The trial Court while adjudicating suit shall decide case of the petitioner on its merits and without being influenced by order of this Court.

(JAGMOHAN BANSAL)
JUDGE

01.03.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No