

2023:PHHC:138192

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

CR-1630-2019 (O&M)
Date of decision: 30.10.2023

Bhupinder Singh Choudhary

...Petitioner

Versus

Varun and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ranjivan Singh and
Mr. Risham Raag Singh, Advocates for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner before this Court is a judgment debtor in a civil litigation for recovery of the amount of maintenance pendente lite. On 11.1.2019, the Executing Court passed the following order:-

“Calculation in the form of affidavit has been filed by the DH. Copy supplied.

Today case is fixed for payment. An application for exemption from personal appearance on behalf of JD has been filed. No medical documents are placed on file alongwith application. JD has not deposited any payment in the bank account of the DH.

Keeping in view the above observation and this kind of behaviour by the JD is not acceptable. Exemption is declined.

Let conditional warrants of arrest of JD for the amount due be issued for 14.3.2019 and be got executed through the SHO concerned failing which SHO is directed to appear before this court to explain the non compliance.”

2. Learned counsel representing the petitioner submits that the entire amount has already been paid to the respondents and the petitioner is already appearing in the Executing Court.

3. Despite the service of the notice, the respondents have not chosen to enter appearance.

4. The Executing Court has issued the conditional warrants of arrest of the petitioner on account of his non-appearance. Once the learned counsel representing the petitioner submits that the judgment debtor is already appearing in the court, therefore, the revision petition is disposed of with the observation that the Executing Court will pass fresh order to secure the presence of the petitioner, if now required.

5. With the aforesaid observations, the revision petition is disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

30.10.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE