

Neutral Citation No.2023:PHHC:142368

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

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**CRR(F) No.1585 of 2023 (O&M)
Date of Decision: 07.11.2023**

Gurpreet Singh

... Petitioner

Versus

Amarjit Kaur alias Rajwinder Kaur
and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mandeep Singh, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The present revision petition has been preferred by the petitioner against the order dated 12.09.2023 passed by learned Principal Judge Family Court, Mansa whereby objections filed by him as CRM No.288 of 2021 in Execution Application bearing CRM No.3125 of 2019 titled as *Amarjit Kaur and others v. Gurpreet Singh* had been dismissed. As culled out from the material available on record, the respondents herein had filed a petition under Section 125 of Cr.P.C. against the present petitioner for grant of maintenance on the grounds that the respondent No.1 who is wife of the petitioner along with the respondents No.2 and 3 who are their minor children had been thrown out of her matrimonial house by the petitioner and had been staying at her parental house. She had no source of income to maintain her minor children as well as herself whereas the present petitioner was owning 12 killas of land, was selling milk and his monthly income was more than

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Rs.50,000/- per month. The present petitioner had initially appeared in response to the notice of the aforementioned petition but then absented himself and was proceeded against ex parte. After appraising the ex parte evidence and considering the contentions raised by respondent No.1-wife, the Court of learned Additional Chief Judicial Magistrate, Mansa had allowed the petition thereby directing the present petitioner to make payment of maintenance amount @Rs.2000/- per month to respondent No.1-wife and Rs.1000/- each per month to respondents No.2 and 3.

2. It is further revealed from the record that respondent No.1 had moved an application for execution of the order dated 03.12.2012 passed in the petition under Section 125 of Cr.P.C. In the said execution application, the present petitioner had filed objections to the effect that a compromise had been arrived at between the parties on 20.12.2018 as per which the respondents had obtained the entire amount of maintenance in lumpsum from him and, therefore, he was not liable to make payment of any amount. These objections were dismissed by learned Principal Judge Family Court, Mansa on the ground that no document had been placed on record to show that any compromise was effected between the parties whereby entire maintenance amount in lumpsum had been paid to the respondents.

3. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as learned Principal Judge Family Court ignored the fact that the execution application had been filed by the respondents seeking arrears of maintenance for a period of three years whereas they could seek arrears of maintenance only for a period of one year. It is also submitted that the learned Family Court had wrongly ignored the factum of a compromise having been arrived at between the

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parties. On asking, learned counsel for the petitioner has, however, not been able to show that any document was executed by the respondents in the form of a compromise thereby showing that they had received the lumpsum amount of maintenance from the present petitioner and no amount was due to be payable by him. The petitioner has not even placed copy of the relevant execution petition on record to show that arrears beyond period of one year had been claimed and has also not given any explanation that the amount as claimed in the execution petition as filed by the respondents was not payable. As such, I see no reason to allow this petition. The same is accordingly dismissed.

4. Miscellaneous application(s), if any, also stand disposed of.

07.11.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No