

Puneet Pandey

...Petitioner

Versus

Mamta Kumari

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Manish Soni, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. Learned counsel for the petitioner submits that in a petition filed under Section 125 Cr. PC a provisional order of maintenance has been passed by the Court of Ld. Additional Principal Judge, Family Court, Gurugram on 15.11.2022 (Annexure P-10). The respondent moved an application under Section 24 of the Hindu Marriage Act for claimining the maintenance whereby sum of Rs.10,000/- has been awarded for the respondent as well as for minor child.

2. Respondent has filed the execution petition in which warrant of arrest has been issued for 09.02.2024 against the petitioner. He has placed reliance upon the judgment passed by the Hon'ble Supreme Court in **Rajnish Vs. Neha and another, 2021(2) SCC 324** to contend that maintenance can be granted in different proceedings like D.V. Act, Cr.PC, HMA and HAMA but the petitioner is liable to pay the amount of maintenance only in one proceeding and the Court would take into consideration the maintenance already awarded in the previous proceedings and grant an adjustment or set off of the said amount.

3. It is further submitted that the petitioner has been paying amount

of Rs.10,000/- in the proceedings under Section 24 of the HMA. He further submits that he would be satisfied if the petitioner is allowed to file the objections petition taking all the plea as taken before this Court and till then warrant of arrest may be stayed.

4. Keeping in view the law laid down in **Rajnish Vs. Neha and another (supra)** petitioner is liable to pay amount of maintenance only in one proceeding. So, petitioner is free to move an objection petition before the learned Executing Court taking all the pleas which shall be disposed of by the learned Executing Court by considering the case **Rajnish Vs. Neha and another (supra)** within a period of 15 days from the receipt of the certified copy of this order and warrant of arrest issued against the petitioner shall remain stayed till the disposal of the objection petition.

5. Petition stands disposed of.

17.11.2023

Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No