

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 24.11.2023

AMIT KUMAR

...Petitioner

Versus

PRIYANKA AND OTHERS

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Karan Garg, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Present criminal revision petition has been filed for setting aside the order dated 29.08.2023 passed in execution 437 of 2023 dated 29.08.2023, whereby the Family Court, Bhiwani has ordered for attachment of 50% salary of the petitioner.

2. Learned counsel for the petitioner submits that due a matrimonial dispute between petitioner and respondent No.1, a petition under Section 125 Cr.P.C. was filed by respondent No.1, in which the petitioner was directed to pay a sum of Rs.28,000/- per month to the respondents (i.e Rs.15,000/- per month to respondent No.1 and Rs.6,500/- each to respondents No.2 and 3) as maintenance allowance by the Family Court, Bhiwani. The said judgment and decree dated 20.02.2023 has been impugned by way of preferring a separate revision petition i.e. CRR(F)-1162-2023, which is pending for 26.02.2023.

3. Learned counsel for the petitioner further contends that in the execution petition filed by respondent No.2, the Family Court, Bhiwani has illegally passed the impugned order dated 29.08.2023, whereby salary of the

petitioner is ordered to be attached to the extent of 50% without effecting service upon notice issued to the petitioner. The impugned order clearly reflects that summons were received back unexecuted and despite that the order of attachment of the salary was made.

4. I have considered the aforesaid contentions. The impugned order was passed in execution petition, whereby the order passed by the Family Court, Bhiwani in a petition under Section 125 Cr.P.C. was sought to be executed. As per the said order, the petitioner was directed to pay a sum of Rs.28,000/- per month as maintenance to his wife and two minor children. The Family Court had noticed the admission made by the petitioner in his cross-examination that he is serving as Head Constable in Delhi Police and getting salary of Rs.56,000/- per month while granting maintenance to the wife and minor children of the petitioner. There is no stay on the implementation of the said order and the petitioner has failed to show that he has ever made a payment to the respondents in pursuance of the said order. At the time of issuance of the impugned order of attachment of the salary of the petitioner that too to the extent of 50%, there was no stay against the implementation of the order which was sought to be executed, as such, no irregularity or illegality is found in the impugned order. Consequently the present petition is dismissed being devoid of merits.

5. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24.11.2023

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No