

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63133-2023 (O&M)

Date of Decision: 15.12.2023

SUMAN

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHERRESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Raj Kapoor Malik, Advocate, for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

[1] This petition has been filed under Section 482 Cr.P.C. for issuance of a direction to the trial Court to take appropriate legal action expeditiously against respondent No. 2 for not paying the maintenance allowance as awarded by the trial Court, vide order dated 14.02.2022 (Annexure P-1) to the petitioner and her two minor children.

[2] After hearing learned counsel for the petitioner and going through the paper-book, it transpires that the respondent had been contesting the petition filed under Section 125 Cr.P.C. wherein in the memo of parties his name was mentioned as Pinda, son of Gopi, residence of Village Bad Sikri, Tehsil Kalayat, District Kaithal. The respondent filed a written reply mentioning the same name and address (Annexure P-3), before the Family Court, Kaithal, whereby maintenance was awarded to the petitioner and to her minor children vide impugned order dated 14.02.2022. The execution application filed under Section 125 (3) Cr.P.C. (Annexure P-2) is pending since 03.03.2022. However, no progress has been made in the application filed under Section 125 (3) Cr.P.C. since the conditional warrants issued against the respondent were received back unexecuted on

21.11.2022 (Annexure P-4), on account of the fact that the respondent is known by his real name Sukhwinder as per some documents shown to the concerned police officials. He was even produced in custody on 01.02.2023 (Annexure P-5) before the Family Court, Kaithal, in pursuance of the conditional warrants of arrest. He made a statement that he would pay the maintenance amount to some extent to the petitioner/decree-holder on the next date of hearing, if he is released from custody. In view of the request made by the respondent-husband, the Family Court, Kaithal, released him from custody with a direction to bring the payment on the next date of hearing. On the said hearing, an application was also filed on behalf of the petitioner for amendment of the title of the petition by adding the name of the respondent as Pinda alias Sukhwinder. Though the counsel for the respondent appeared but the respondent neither appeared nor any payment was ever made. Proceedings are delayed. Two minor children of the petitioner are not receiving any maintenance despite there being an order of the Court.

[3] Keeping in view the proposed direction which this Court is going to issue, the issuance of notice to the respondent is dispensed with.

[4] Keeping in view the above, this petition is disposed of with a direction to the trial Court to expedite the proceedings in the aforesaid case and disposed it of preferably within a period of three months.

[4] Pending miscellaneous application (s), if any, shall also stand disposed of.

December 15, 2023

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No