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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 18th July, 2023***

+ **MAT.APP.(F.C.) 210/2023 & CM APPL. 35959/2023**

JAI KUMAR Appellant

Through: Mr. P.K. Chaudhary, Advocate.

versus

SMT MEENAKSHI Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present appeal under Section 19 of the Family Courts Act, 1984 has been filed on behalf of the appellant against the Order dated 07.07.2023 passed in Ex. No. 34/2022 by the learned Judge, Family Court, Central, Tis Hazari, Delhi, whereby the Objections under Sections 47 and 151 of the Code of Civil Procedure, 1908 preferred by the respondent/Decree Holder were dismissed.

2. Shri Jai Kumar Judgment Debtor had filed the objections under Section 47 and 151 CPC claiming that the present execution has been filed for recovery of arrears of maintenance @ Rs.6,000/- per month for the period 14.09.2018 to 30.10.2022 amounting to Rs.1,74,000/-. The arrears claimed are beyond a period of three years and, therefore, is not maintainable.



3. It was further alleged that in Column 6 of the Execution Petition the Decree Holder had reflected that no payment has been received from the Judgment Debtor, when in fact Rs.50,000/- have been paid from time to time during the pending litigation. It was claimed that the execution petition was, therefore, not maintainable.
4. The learned Judge, Family Court, has rightly observed that the time limit for filing the execution petition is 12 years. Article 105 of Schedule to Limitation Act deals with filing of suits/petitions for recovery of arrears of maintenance and it does not deal with the execution petitions. The objection of limitation as agitated by the Judgment Debtor was rightly rejected. In so far as non-mentioning of Rs.50,000/- in the petition is concerned, it has been pointed out by the Decree Holder that an application under Section 340 Cr.P.C has also been filed by the Judgment Debtor for making a false statement in the Execution Petition.
5. Learned Judge, Family Court has rightly dismissed the objections under Section 47 CPC as being without merit.
6. Accordingly, we find no merit in the present appeal and the appeal along with pending application is dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 18, 2023
S.Sharma

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