

2024:PHHC:048527

233(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-5624-2020 (O&M)
Date of Decision: 09.04.2024

VINOD KUMAR

...Petitioner

V/S

GEETA DEVI AND OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dinesh Mahajan, Advocate
 for the petitioner.

 Mr. R.S. Manhas, Advocate
 for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 482 of Cr.P.C. is for setting aside the order dated 18.01.2020 (Annexure P-1) passed by learned Executing Court whereby application to recall the conditional warrants has been rejected and order dated 31.10.2019 (Annexure P-2) whereby conditional warrants has been issued by learned Executing Court in CRMP No. 342 of 2019 in maintenance case No. MNT/125/292/2014 dated 07.04.2013.
2. Learned counsel for the petitioner *inter alia* contends that petitioner has approached the learned Family Court below for recalling the order of issuance of conditional warrants of his arrest on the ground that he is ready to make the payment of installments and the excess amount already paid is required to be deducated from the present execution application and upon notice, the respondent had appeared and filed the chart containing the receipt of the amount received from the petitioner. Learned counsel further submits that the entire amount which has already been paid by the petitioner, has not been

CRM-M-5624-2020 (O&M)

taken into consideration and it has been wrongly concluded that Rs. 1,80,000/- is still pending, which is contrary to the admitted payment by the respondent.

3. Learned counsel for the respondent submits that he has no objection, if the matter is remanded back to learned Family Court below to pass a fresh order by calculating the exact amount, which is due towards the maintenance of arresrs.

4. In view of the joint stand taken by the parties, the impugned order dated 18.01.2020 (Annexure P-1) passed by learned Additional Principal Judge, Family Court, Gurdaspur is set aside and learned Family Court below is directed to consider the matter afresh and pass a fresh order after making correct calculations, by taking into consideration the amount already received by the respondent against the arrears of maintenance.

5. The present petition is disposed of in aforesaid terms.

6. Pending CRM(s), if any, are also disposed of accordingly.

09.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No