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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2741-2024 (O&M)
Date of decision : 12.09.2024

PRADEEP KUMAR YADAV ... PETITIONER

VERSUS

PALLAVI KUMARI YADAV ...RESPONDENT

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Atul Goyal, Advocate for the petitioner.

Ms. Pallavi Kumari Yadav, respondent in person.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed by the petitioner challenging the orders dated 27.02.2024 (Annexure P-11), 28.03.2024 (Annexure P-12) and 05.04.2024 (Annexure P-14) whereby the salary of the petitioner was attached in execution proceedings.

2. The brief facts relevant to the present *lis* are that on 26.05.2017 interim maintenance was granted to the respondent under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as DV Act). On 07.03.2019 the evidence of the respondent herein was closed by order. Revision preferred by the respondent was also dismissed. Subsequently, CRM-M-42921-2019 was preferred before this Court which was also eventually dismissed on 30.08.2024. Meanwhile, an application under Section 311 CrPC was filed by the respondent which was also dismissed on 22.08.2019. Revision preferred by the respondent was also

dismissed. Subsequently, CRM-M-54981-2019 was filed in which notice of motion was issued and stay was granted. This petition was also eventually dismissed on 27.05.2024. Meanwhile, the execution qua the interim order granting maintenance of Rs.10,000/- was also pending and in which the petitioner was not depositing the maintenance. Eventually the Court was constrained to attach his salary. Aggrieved by the same the present petition was filed. On 06.05.2024 the following order was passed :

“Learned counsel for the petitioner would contend that the petitioner's salary has been attached by way of the impugned order. It is further the contention that the petitioner is willing to secure the entire amount by furnishing adequate security to the satisfaction of the Executing Court concerned.

Notice of motion, returnable 22.07.2024.

Meanwhile, on furnishing adequate security to the satisfaction of the Executing Court concerned, the operation of the impugned order shall remain stayed.”

3. Learned counsel for the petitioner would contend that the proceedings under DV Act would now re-commence since the proceedings had been stayed by this Court in the petitions filed by the respondent. Learned counsel for the petitioner has admitted that interim order of maintenance dated 26.05.2017 was never challenged by the petitioner and the same still stands. Admittedly, an amount of over Rs.6 lacs is due to the respondent as maintenance.

4. The respondent, who is appearing in person, states that though the proceedings would go on in accordance with law, however, an amount of Rs.10,000/- per month, which is a pittance for the petitioner herein who is serving as an IPS Officer, is not being paid only to harass the respondent.

5. At this stage learned counsel for the petitioner, on instructions from the petitioner, states that the petitioner would have no objection if the amount deposited by him before the Executing Court as security in the shape of cheque/bank draft is released in favour of the respondent. He, however, prays that the proceedings pending under DV Act be concluded in a time bound manner.

6. In view of the statement made by learned counsel for the petitioner that the petitioner would have no objection if the amount deposited before the Executing Court as security for the maintenance is released in favour of the respondent, the Executing Court shall release the said cheque/bank draft in favour of the respondent. The petitioner shall revalidate the cheque/bank draft if the same has expired.

7. The Court concerned is also requested to dispose off the petition under DV Act expeditiously and preferably within a period of six months from today, in accordance with law.

8. Accordingly, the present revision petition stands disposed off. Pending applications, if any, also stand disposed off.

12.09.2024
Ankur

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO