



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26743-2024 (O&M)
Date of decision:09.09.2024

KULDEEP

...Petitioner

Versus

NIRMLA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

HARPREET KAUR JEEWAN , J.

1. Prayer in the present petition is for quashing of the impugned order dated 29.04.2024 (Annexure P-4) passed by the Family Court, Sonapat, whereby in the execution petition, the Family Court has directed the department of the petitioner to deduct a sum of ₹15,000/- per month from the salary of the petitioner and transfer the same to the bank account of respondent No.1-Nirmla.
2. Learned counsel for the petitioner contends that respondents had filed petition under Section 125 Cr.P.C., whereby the petitioner had been directed to pay a sum of Rs.15,000/- per month vide order dated 13.03.2019 (Annexure P-2). Now, the respondents have filed an execution before the Family Court, Sonapat in which the impugned order dated 29.04.2024 has been passed directing the

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department of the petitioner to deduct a sum of Rs.25,000/- per month from salary of the petitioner and transfer the same to the bank account of respondent No.1. He further contends that the order dated 13.03.2019 (Annexure P-2) has been challenged by way of filing of CRR(F)-245-2019 titled Kuldeep vs. Nirmla and another. Notice of motion in the said petition {CRR(F)-245-2019} has been issued. He submits that the respondents are not entitled to receive any maintenance, as such, the present order is liable to be set aside. Respondent No.1 is a working lady and earning a handsome salary. She is working as a guest teacher in Government Middle School Ridhau, Sonapat.

3. I have considered the aforesaid submissions and perused the relevant documents.

4. Issuance of notice to respondents is dispensed with in view of the facts and circumstances of this case.

5. As per the claim in the execution petition (Annexure P-3), the respondent No.1 (decree holder No.1) has sought recovery of Rs.6,75,000/- and respondent No.2 (decree holder No.2) has sought recovery of Rs.1,56,000/- as arrears of maintenance. As per the impugned order dated 29.04.2024 (Annexure P-4), learned counsel appearing for the petitioner (judgment debtor) had presented a cheque for a sum of Rs.20,000/-, however, it was noticed that there were substantial arrears due against him. As such, recovery of Rs.25,000/- per month was ordered for clearing the decretal amount.

6. Even today there are arrears of maintenance pending against the petitioner. The petitioner has failed to show *bona fide* to seek indulgence under Section 482 Cr.P.C..

7. Keeping in view the fact that there are huge arrears of maintenance



and as per the allegations of the respondents, the petitioner is earning Rs.50,000/- per month, as such, passing an order for deducting a sum of Rs.25,000/- per month from the salary of the petitioner is just and equitable and no irregularity is found in the aforesaid order.

- 8. Consequently, the petition stands dismissed.
- 9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

09.09.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No