



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.143

CR-3340-2024

Date of Decision: 29.05.2024

PARAMJIT KAUR

....Petitioner

Versus

GURMIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sukhpreet Singh, Advocate, and
Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court, for issuance of direction to the Court below, to expeditiously decide an application dated 24.04.2024 (Annexure P-3), which was for attachment of properties of the respondent, as well as an application (Annexure P-4), filed for staying the execution of the alienation of the properties of Judgment Debtor by creating charge.

It is submitted by learned counsel that the parties got married in the year 1979. However, there was matrimonial bickering between them. But anyhow, the marriage continued, as the respondent was living in Germany. After return to India, he again started maltreating the petitioner, as a result whereof the petitioner



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had filed the proceedings under the Protection of Women from Domestic Violence Act, 2005. In the said proceedings, even though, an application under Section 23 of the ibid Act, for fixation of interim maintenance, was decided in favour of the petitioner, vide order dated 01.03.2023, copy whereof is Annexure P-1 and maintenance was granted at the rate of Rs.7,000/- per month, along with the right to reside in the house, in which the petitioner was already putting up, during the pendency of the complaint, but the said order was not complied with by the respondent.

In fact, the proceedings under Section 128 Cr.P.C. were also initiated by the petitioner and conditional warrant of arrest was issued. Apprehending alienation of the properties, owned by the respondent to counter the maintenance fixed by the Court, two applications, mention whereof has been made aforesaid, were filed, but the same are not being disposed of by the Court.

Copies of the zimini orders have been placed on record. Considering the same and also keeping in view the various instructions passed by this Court, from time to time, to dispose of the case of such nature, on priority basis, a request is hereby made to the Court concerned to dispose of both the applications aforesaid, *vis-a-vis* the attachment of properties of Judgment Debtor and also for stay of alienation of the properties of Judgment Debtor, by creating charge, copies whereof are Annexure P-3 and P-4, expeditiously, in accordance with law, preferably on the date fixed i.e. 04.07.2024, or within a period of seven days thereafter.

In the meanwhile, if so desired by the petitioner, she has



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the option to file an application, with regard to the rider to be placed on the right of the respondent, to sell the properties owned by him, till the disposal of the aforesaid applications. To safeguard the interest of the parties concerned, learned Trial Court has the option to pass any interim order, giving protection to the parties, in accordance with law.

However, learned Trial Court, shall dispose of the aforesaid applications, uninfluenced by any observation made by this Court in the present order.

In view of the aforesaid terms, the instant revision petition is hereby disposed of.

29.05.2024*Himanshu***(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No