



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124-2

CR-4464-2024

Decided on :10.09.2024

Mohit Jindal

... Petitioner

Versus

Sudesh Kumari

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Pushpinder Kaushal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. On 08.08.2024, this Court was pleased to pass the following
order:-

“Vide order dated 14.03.2018 (Annexure P-4), the Judicial Magistrate Ist Class, Ludhiana had partly allowed the application filed by respondent No.1 herein and had directed the petitioner herein to pay an amount of Rs.1500/- per month as rental accommodation to the petitioner. The said order was modified vide order dated 31.07.2023 (Annexure P-1) and the amount was increased from Rs.1500/- per month to Rs.5000/- per month. It is the case of the petitioner that he had filed Criminal Revision No.2132 of 2023 in which on 06.05.2024, the following order was passed:-

*“Present: Mr. Chandan Singh Rana, Advocate
for the applicant/petitioner.*

*Mr. Ashwani Kumar Talwar, Advocate
for the respondent.*

*Memo of appearance on behalf of the
respondent has been filed.*

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The application has been filed by the applicant/petitioner seeking stay against the execution of the order dated 14.03.2018 as well as order dated 31.07.2023 which have been impugned before this Court in the main revision petition.

It is submitted by learned counsel for the applicant/petitioner that coercive actions are being taken by the Executing Court and the petitioner undertakes to deposit 50% of the amount of the arrears due to be payable by him.

Learned counsel for respondent seeks time to file reply to the application in CRM-18070-2024 as well as for addressing argument.

Adjourned to 22.07.2024. In the meanwhile, the operation of the impugned order shall be kept in abeyance by the Executing Court subject to deposit of 50% of the amount of arrears payable till date, by the petitioner. The calculations of amount of arrears payable shall be given by the both the parties before the Executing Court on the date fixed.

A photocopy of this order be placed on the file of connected cases.

06.05.2024”

It is further the case of the petitioner that subsequently vide order dated 22.07.2024, the said Criminal Revision was withdrawn with liberty to file an appropriate petition.

On a pointed query raised as to whether 50% of the amount of arrears as aforesaid has been deposited by the petitioner or not, learned counsel for the petitioner has raised two submissions. The first submission raised is to the effect that the amount of Rs.1500/- is payable from the date

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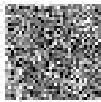
of order dated 14.03.2018 and not from the date of the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The second submission made is to the effect that even the amount of Rs.5000/- which is the enhanced amount vide order dated 31.07.2023 is to be paid from 31.07.2023 and not from 14.03.2018.

This Court is prima facie of the opinion that once the order dated 14.03.2018 passed by the Judicial Magistrate Ist Class, Ludhiana has been modified by the Additional Sessions Judge, Ludhiana vide order dated 31.07.2023 and it has not been mentioned in the order dated 31.07.2023 that the amount of Rs.5000/- is to be paid from 31.07.2023, then the necessary implication of the same would be that the amount of Rs.5000/- is to be paid at least from 14.03.2018. The second issue as to whether the said amount is payable from the date of application or from the date of order (be it Rs.1500/- per month or Rs.5000/- per month), is a debatable issue and is kept open.

Accordingly, the present revision petition is adjourned to 10.09.2024.

Before the present revision petition is entertained, the petitioner would deposit 50% of the amount of Rs.4,00,000/- i.e. Rs.2,00,000/- (amount calculated from 14.03.2018 approximately at the rate of Rs.5000/- per month) before the Executing Court before the next date of hearing in the present petition and would produce the copy of the receipt of the said amount deposited. In case of such deposit, it would be open to respondent No.1 to seek release of the same from the Executing Court and the said release would not be treated as an estoppel against respondent No.1 to agitate all the issues. The deposit of the same would also not be construed an estoppel against the

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petitioner and the case of the petitioner as well as respondent No.1 would be considered independently on merits.

A photocopy of this order be placed on the file of other connected case.”

2. Learned counsel for the petitioner has submitted that as per his instructions, the petitioner is not able to deposit the abovesaid amount.
3. Keeping in view the abovesaid facts and circumstances and the averments made in the above mentioned order, the present Civil Revision Petition is dismissed for non-prosecution.
4. Liberty is granted to the petitioner to revive the petition after complying with the order dated 08.08.2024.
5. Registry is directed to send the copy of the present order to the parties on the addresses mentioned in the memo of parties.

(VIKAS BAHL)
JUDGE

10.09.2024

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No