

2024:PHHC:120816



CRR-1665-2024 (O&M)
DATE OF DECISION : 13.09.2024

SANJEEV KUMAR **... PETITIONER**
V/S

RAJNI BALA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Lalita Kashyap and Ms. Prarthana Duggal, Advocates
for the petitioner.

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HARPREET KAUR JEEWAN, J. (ORAL)

The prayer in the present petition is for setting aside the order dated 15.01.2024 whereby the application filed by the respondent-wife was allowed and the petitioner was directed to pay maintenance to the tune of Rs.20,000/- p.m. to the respondent-wife.

Learned counsel for the petitioner *inter alia* contends that after passing of the impugned order there was a compromise between the parties on 24.01.2024 which was reduced into writing (Annexure P-2). In pursuance to the said compromise, even the FIR which was registered at the instance of the wife (FIR No. 140 dated 01.09.2020 under Sections 323/325/506 IPC registered at Police Station Radaur, District Yamuna Nagar) was quashed by this Court vide order dated 13.03.2024 in CRM-M-5617-2024 (Annexure P-3). However, despite that respondent-wife had filed an execution petition before the Family Court, in which the proceedings are

being taken against the petitioner on the basis of the impugned order dated 15.01.2024.

After arguing for some time, learned counsel for the petitioner wishes to approach the Family Court for recalling of the impugned order dated 15.01.2024 on the basis of the subsequent compromise dated 24.01.2024 (Annexure P-2) and further submits that the petitioner would file an application before the Executing Court for stay of the proceedings in the execution during the pendency of the said application for recalling.

Learned counsel for the petitioner wants to withdraw the present petition with liberty to approach the Family Court accordingly.

Dismissed as withdrawn with the liberty aforesaid.

13.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No