



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

114**CR-4910-2024****Date of Decision: 30.08.2024****Rahul Khosla**

....Petitioner

Versus

Bhanu Kiran

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rishabh Chaudhary, Advocate,
for the petitioner.

VIKAS SURI, J. (Oral)

1. This revision petition under Article 227 of the Constitution of India has been filed by the husband for setting aside order dated 16.07.2024 (Annexure P-1) passed by Judicial Magistrate First Class, Ludhiana, whereby in the third execution petition filed by the respondent wife, conditional warrants of arrest have been ordered to be issued against the petitioner.

2. Learned counsel for the petitioner submits that vide order dated 06.07.2023 (Annexure P-7), an application moved by the respondent-wife under Section 23 of the Protection of Women from Domestic Violence Act, 2005 was disposed of and interim maintenance @ Rs.50,000/- per month was awarded to the respondent-wife and her child, besides one time litigation expenses to the tune of Rs.10,000/-. It is further submitted that seeking enforcement of the aforesaid order, the respondent wife had filed three

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execution petitions on different dates. The first petition stands withdrawn. It is further submitted that similar order was passed in the second execution petition vide order dated 07.11.2023. Aggrieved by the said order, a criminal revision was preferred before the learned Additional Sessions Judge, Ludhiana and vide order dated 04.07.2024 (Annexure P-8), execution of the conditional warrants against the petitioner were ordered to be stayed subject to payment of 1/3rd of the maintenance amount sought to be recovered through the said execution petition. It is further submitted that the order dated 04.07.2024 was challenged before this Court by way of CR-4139-2024, which petition was disposed of vide order dated 06.08.2024 (Annexure P-9). The operative part of the order passed by a Coordinate Bench reads as under:-

“2. After arguing for some time when the Court was not inclined to interfere, counsel for the petitioner prays for extension of time to comply with the directions issued by Additional Sessions Judge, Ludhiana, vide impugned order dated 4th of July, 2024 directing the respondent to make payment of 1/3rd of the maintenance amount.

3. Keeping in view the aforesaid request, the impugned order dated 4th of July 2024 is modified to the extent that the petitioner shall make good payment of the 1/3rd of the maintenance amount sought to be recovered in the execution application up to 30th of August, 2024.

4. With the aforesaid modification, the instant revision petition is disposed off.”

3. During the course of hearing, it has transpired that in the third execution petition, similar conditional warrants have been ordered to be issued against the petitioner vide impugned order dated 16.07.2024 (Annexure P-1), as well as order dated 12.08.2024. The subsequent order whereby fresh conditional warrants have been ordered to be issued for 16.09.2024, has not

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been impugned in the present petition. Learned counsel for the petitioner is also not in a position to inform the Court as to why the petitioner has sought to approach this Court directly, instead of filing a criminal revision before the Court of Session, as has been done against the order passed in the earlier execution petition.

4. Faced with the aforesaid, learned counsel for the petitioner prays for withdrawal of present petition with liberty to approach the concerned Court of Session for impugning the orders dated 16.07.2024 and 12.08.2024.

5. In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

August 30, 2024
Varinder

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No