

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.270

CRM-M-47504-2023 (O&M)

Date of decision : 08.01.2024

Charanjit Singh

..... Petitioner

VERSUS

Kirandeep Kaur

..... Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.G. Chandiwal, Advocate, for the petitioner.

Mr. J.V. Dhindsa, Advocate, for the respondent.

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 01.02.2023 (Annexure P-3) whereby the Principal Judge, Family Court, Sri Mukatsar Sahib has attached the bank account of the petitioner.

Learned counsel for the petitioner submits that the entire arrears except a sum of Rs.1,50,000/- approximately has been paid to the respondent and he is even ready to deposit the said amount, but on account of impugned order dated 01.02.2023 (Annexure P-3), the bank account of the petitioner has been attached, as such, the petitioner is unable to withdraw anything from his bank account.

Counsel for the respondent contends that the amount of Rs.8,10,000/- was recovered by way of sale of the property of the petitioner. The auction purchaser is the son of the parties who is living with the present petitioner and he is not appearing in the Court despite notice, as such, disbursal of amount to the respondent is still pending. Even the bailable warrants have been issued for procuring the service of the son of the petitioner so that the said amount to be disbursed to the respondent-wife. It

is further informed that a sum of Rs.1,92,000/- is still pending against the petitioner.

Keeping in view the fact that the petitioner is unable to operate his bank account but is willing to clear the arrears, the impugned order dated 01.02.2023 (Annexure P-3) is set aside subject to the following conditions:-

1. The son of the petitioner/auction purchaser shall appear before the Principal Judge, Family Court, Sri Mukatsar Sahib, within a period of 21 days from today and the Family Court shall consider the disbursal of the amount which is stated to be lying in the Court as “sale proceeds of the property of the JD/petitioner” for clearance of the arrears after considering the objections, if any raised.
2. Thereafter, the petitioner would be allowed to operate his bank account after disbursal of the aforesaid amount and, further pay the remaining arrears within a period of 30 days from today to the respondent by way of depositing a demand draft in favour of the respondent before the Family Court which shall be handed over to respondent No.2.
3. In case, the aforesaid conditions are not fulfilled, this order shall stand automatically vacated any further reference to this Court and the Family Court would also be at liberty to pass any further order, as per law.

The present petition is accordingly, disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08.01.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No