

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

2024:PHHC:133814



CRM-M-59861 of 2023 (O&M)
DECIDED ON: 14th October, 2024

Robin Deswal

.....PETITIONER

VERSUS

Tanam (minor) and another

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE **NIDHI GUPTA.**

Present: Mr. Satbir Rathore, Advocate for petitioner.

NIDHI GUPTA., J (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing the impugned order dated 07.11.2023 (Annexure P-11) passed by the learned Prinaipal Judge, Family Court, Gurugram.

Learned counsel for the petitioner submits that vide order dated 07.07.2022 (Annexure P5), in a petition filed under Section 125 Cr.P.C., minor child-respondent No.1 was granted total ad-interim maintenance of Rs.8000/- per month. It is submitted that the petitioner filed an application dated 17.09.2022 (Annexure P-6) and another application dated 17.09.2022 (Annexure P-7) before the learned Family Court seeking review and recalling of the interim order dated 07.07.2022; and for seeking alteration/cancellation/modifcation of the order dated 07.07.2022. It is submitted that the said applications are pending before the learned Family Court. However, in the meantime, respondents had filed execution petition, Annexure P-8 seeking execution of order dated 07.07.2022. Accordingly, the petitioner filed applications dated 16.10.2023 (Annexure P9) and dated 02.11.2023(Annexure P10) for staying the execution proceedings. However, vide the impugned order dated 07.11.2023, the said applications have been dismissed.

Learned counsel for respondents submits that in view of admitted 100% disability of the petitioner, he has no objection if the present petition is allowed and the execution proceedings initiated by the respondents are stayed. It is however, prayed that the learned Family Court be directed to decide the main maintenance matter expeditiously.

Heard.

Keeping in view the above facts, it is directed that during the pendency of main petition under Section 125 Cr.P.C., any execution proceedings filed heretofore by the respondents, shall be kept in abeyance during the pendency of petition under Section 125 Cr.P.C.

The learned Family Court, Gurugram is further directed to decide the petition under Section 125 Cr.P.C. in a time bound manner, preferably within a period of one year.

With the above directions, the present petition stands disposed of.

14th October, 2024
reema

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No