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

Sr. No.125

**CRM-M-18713-2025 (O&M)
Date of decision : 29.04.2025**

Dilawar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Rosi, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for quashing of the impugned order dated 02.12.2024 (Annexure P3) passed by the learned Principal Judge, Family Court, Nuh whereby the present petitioner has been declared proclaimed person in the execution application bearing No.EXE/243/2023 (Annexure P2) having registration dated 18.05.2023 filed before the learned Principal Judge, Family Court Nuh, titled as 'Smt. Samina Etc. Vs. Dilawar.'

2. On 04.04.2025, the following order was passed:-

“Learned counsel for the petitioner inter alia submits that marriage of the petitioner was solemnized with respondent No.2. Respondents No.3 to 7 are the minor children of the petitioner and respondent No.2. She further submits that respondent No.2 filed the maintenance petition before the learned Family Court whereby she was awarded an amount of Rs.3500/- per month and Rs.2000/- per month each was awarded for minor children. It has been further submitted that

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respondent No.2 filed the execution application bearing No.EXE/243/2023 before the learned Principal Judge, Family Court, Nuh for the payment of Rs.6,26,000/- and in the same, the petitioner was summoned to face the proceedings of execution application. The petitioner could not appear before the learned Family Court, Nuh and vide order dated 02.12.2024, he was declared proclaimed person. It has been further been submitted that the petitioner is a truck driver and he was not aware about the date fixed before the learned Family Court. She further submits that the petitioner is ready to deposit the execution amount of Rs.81,000/- and is willing to pay the remaining amount in equal monthly instalments.

Adjourned to 29.04.2025.

Considering the peculiar facts and circumstances of the case, the parties are directed to appear before the Mediation and Conciliation Centre at Nuh on 07.04.2025 at 11.00 a.m. to explore the possibility of amicable settlement.”

3. Pursuant to the order, a report dated 23.04.2025 has been received from CJM-cum-Secretary, District Legal Services Authority, Nuh, wherein it is stated that:

“On 15.04.2025, respondent-Samina appeared in person and on behalf of Dilawar, his father appeared and moved application seeking exemption of his son Dilawar stating that his son is a truck driver and is out of town. After asking for availability of both the parties on next date, with their consent, the matter was adjourned for 22.04.2025.

Then, on 22.04.2025, respondent-Samina appeared in person but Dilawar did not turned up. As per the report of

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Mediator, namely Ms.Manju Lata Singh, mediation between the parties is not possible in the absence of the petitioner Dilawar, therefore, the case has been returned by the Mediator with the remark Not Settled.”

4. Considering the aspect that the petitioner has failed to appear before the Mediation and Conciliation Centre at Nuh for amiable settlement and in view of the evasive conduct of the petitioner, this Court does not deem it appropriate to quash impugned order of proclamation dated 02.12.2024 (Annexure P3).
5. Accordingly, the petition is dismissed.

(KIRTI SINGH)
JUDGE

29.04.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No