

2025:PHHC:067541



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.122

CRM-M-25198-2025 (O&M)
Date of decision: 20.05.2025

Chahit

..... Petitioner

VERSUS

Sapna and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gulshan Nandwani, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The instant petition has been filed under Section 528 of BNSS, 2023 for quashing of the impugned order dated 04.06.2024 (Annexure P4) as well as impugned order dated 20.03.2025 (Annexure P7) passed by the learned Principal Judge, Family Court Rewari in case bearing No.CRM/353/2023 titled as Sapna Vs. Chahit, whereby conditional warrant of arrest has been issued against the petitioner.

Learned counsel for the petitioner submits that vide order dated 04.07.2023, maintenance to the tune of Rs.2000/- each to the respondents was awarded by the learned Family Court, Rewari. Thereafter, respondent No.1 filed an execution petition, wherein conditional warrants were issued against the petitioner on 04.06.2024, 10.07.2024, 05.11.2024 and 20.03.2025, by overlooking the provision of Section 461 BNSS, 2023 as also the judgment passed by this Court in **Om Parkash @ Parkash Vs. Vidya Devi 1992(3) RCR (Criminal) 9**. It is further submitted that the petitioner is ready and willing to pay 50% of the amount of arrears of

maintenance within a period of ten days, and the remaining amount within a further period of two months, and prays that the present petition be allowed in these terms.

Heard.

The present petition is being decided *in limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

In view of the submissions made by the learned counsel the petitioner, the impugned order dated 20.03.2025 is set aside. The petitioner is directed to pay 50% of the amount of the arrears of maintenance within a period of 15 days from the date of this order, and the remaining amount within a further period of two months. Till then, no coercive steps shall be taken against the petitioner.

However, it is made clear that this order would not affect the execution proceedings pending against the petitioner before the execution Court. In case the petitioner fails to comply with the terms of this order, the execution Court shall proceed against him in accordance with law.

The petition stands disposed of in the aforesaid terms.

(KIRTI SINGH)
JUDGE

20.05.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No