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

**CRR(F)-775-2025
Date of decision: 23.05.2025**

SUDESH AND ANOTHER

...Petitioner(s)

VERSUS

SANDEEP ALIAS CHHOTU

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vikas Vashisth, Advocate for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the order dated 05.04.2025 passed by the learned Additional Principal Judge, Family Court, Bhiwani, vide which the execution petition filed by petitioner No.1-wife has been dismissed.

2. Learned counsel for the petitioners submitted that the petitioners were granted maintenance under Section 125 Cr.P.C. vide judgment dated 18.03.2021 (Annexure P-1) passed by the learned Additional Principal Judge, Family Court, Bhiwani and thereafter, petitioner No.1-wife filed an execution petition, which was dismissed as withdrawn being fully satisfied on 09.10.2023 vide Annexure P-2, whereby petitioner No.1-wife so stated that she has received an amount of Rs.32,000/- from the learned counsel of the respondent-husband and therefore, she does not want to proceed further with the execution petition and withdrew the same. He further submitted that at the same time, it was so



observed by the learned Executing Court by way of aforesaid order (Annexure P-2) that in future in case the petitioner/decreed-holder is forced to file the execution petition then the same shall be disposed of alongwith costs of Rs.11,000/- and when the respondent/judgment debtor failed to pay the decretal amount, petitioner No.1-wife was forced to file another execution petition bearing No.287-2024 but vide impugned order dated 05.04.2025, the same was dismissed being fully satisfied because the payment of Rs.20,000/- was received by petitioner No.1-wife. He further submitted that in the earlier order (Annexure P-2), it was so observed by the learned Executing Court that in future in case petitioner No.1-wife is forced to file the execution petition then the same shall be disposed of alongwith costs of Rs.11,000/- but the same was not so granted by the Executing Court vide aforesaid impugned order and therefore, the aforesaid impugned order may be set aside to the aforesaid limited extent and an amount of Rs.11,000/- may be directed to be released in favour of petitioner No.1-wife.

3. I have heard the learned counsel for the petitioner.

4. It is a case where both the petitioners were granted maintenance under Section 125 Cr.P.C. vide judgment dated 18.03.2021 (Annexure P-1) and thereafter, petitioner No.1-wife/decreed-holder filed an execution petition, which was dismissed as withdrawn being fully satisfied vide Annexure P-2, although at that point of time, it was so observed by the learned Execution Court that in future in case petitioner No.1-wife is forced to file the execution petition then the same shall be disposed of alongwith costs of Rs.11,000/- but when petitioner No.1-wife filed another execution petition, the same was dismissed as being fully satisfied but the learned Executing Court did not grant the aforesaid



amount of Rs.11,000/- as costs to petitioner No.1-wife which was observed in the aforesaid order passed by the learned Executing Court vide Annexure P-2.

5. It was so observed by the learned Executing Court in the aforesaid impugned order that there was no direction in the judgment dated 18.03.2021 passed by the learned Additional Principal Judge, Family Court, Bhiwani, vide which maintenance was granted to the petitioners for grant of litigation expenses and therefore, the same could not have been granted. This Court is of the considered view that since the earlier execution petition filed by petitioner No.1-wife was dismissed as withdrawn being fully satisfied vide Annexure P-2, then the learned Executing Court could not have gone beyond the decree by imposing costs and that too contingent costs to be granted to petitioner No.1-wife in future. Once the decretal amount was satisfied and petitioner No.1-wife withdrew the execution petition then no such costs could have been directed to be imposed in future and even if the same was imposed, it is not enforceable because in the main petition filed under Section 125 Cr.P.C. for grant of maintenance, no such litigation expenses were granted to petitioner No.1-wife.

6. In view of the above, this Court does not find any illegality or perversity in the aforesaid impugned order dated 05.04.2025 passed by the learned Additional Principal Judge, Family Court, Bhiwani, in the execution petition.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

23.05.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No