



CRWP-8078-2025(O&M)

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

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**CRWP-8078-2025(O&M)
Decided on : 28.07.2025**

KAMAL KANT HASIJA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Petitioner in-person.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (Oral)

CRM-W-1054-2025

This is an application under Section 32 of Advocate Act for grant of leave to file the present application in person.

Allowed as prayed for.

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Prayer in the present petition filed under Article 226 read with inherent powers under Section 528 of the BNSS, 2023 is for setting aside the order dated 29.05.2025 passed by this Court in CRR(F)-832-2025 titled as *Kamal Kant Hasija Vs. Geetu Hasija and Ors* and impugned order dated 20.05.2025 passed by the learned Additional Principal Judge, Family Court, Faridabad in Execution Petition No.EXE/584/2022, titled as *Geetu Hasija Vs. Kamal Kant Hasija*.

2. At the outset, when a pointed query was posed to the petitioner who was appearing in person as to how the present writ petition under Article 226 of the Constitution read with Section 528 of the BNSS, 2023 is maintainable to seek setting

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aside or recall of the order dated 29.05.2025 passed by this very Bench in CRR-F-832-2025 whereby conditional warrants issued against him were quashed subject to payment within the stipulated time period, the petitioner submitted that according to him, the said order had been passed on the basis of a statement made by his then counsel which, as per his assertion, was made due to a misunderstanding.

3. Heard.

4. It is settled law that a writ petition under Article 226 cannot be invoked to challenge, set aside, or recall an order passed by the same Bench of this Court in earlier proceedings. Entertaining such a plea would amount, in substance, to exercising a power of review or recall in the form of a fresh writ petition, which is impermissible in law and contrary to settled judicial discipline.

5. As regards the grievances about the statement made by learned counsel or other alleged procedural lapses, these contentions, even if assumed to be correct, cannot render the present petition maintainable. All the pleas raised herein are questions of fact, which can be raised before the executing Court at the appropriate stage.

6. In view of the above, the petition is dismissed as not maintainable, leaving it open to the petitioner to pursue such appropriate remedies as may be available to him in accordance with law.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

28.07.2025

Kavita

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No