



CRM-M-42120-2025 (O&M)

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

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CRM-M-42120-2025 (O&M)

Date of Decision: 18.08.2025

Mohammad Shahzad

...Petitioner(s)

Versus

Farha Khan

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Sanawar Ali, Advocate for the petitioner(s).

KIRTI SINGH, J.(Oral)

1. The instant petition has been filed under Section 528 BNSS, 2023 for quashing of the order dated 06.03.2025 (Annexure P-1), passed by the learned Sessions Judge, Karnal in CRA-14 of 2024 dated 04.07.2024, whereby the appeal against order dated 30.05.2024 passed by learned Junior Division, Karnal was dismissed in CRM/2398/2023 dated 06.12.2023.

2. Brief factual matrix of the case is that the marriage between the petitioner and the respondent was solemnized on 15.10.2015 and a child was also born out of their wedlock. However, due to matrimonial discord stemming from temperamental differences between the parties, the respondent left the company of the petitioner in the year 2020 and initiated multiple litigations against the petitioner. In the proceedings initiated under the DV Act, the petitioner, vide order dated 06.05.2023 (Annexure P-4), was directed to pay interim maintenance to the tune of Rs.8,000/- per month. Parallely, vide order



dated 16.08.2023, passed by the learned Principal Judge, Family Court, Karnal, the petitioner was further directed to pay maintenance to the tune of Rs.6,000/- (Rs.4000/- to wife and Rs.2,000/- to child) under Section 125 Cr.P.C. An execution petition was thereafter filed by the respondent, to which certain objections were raised by the petitioner. Vide order dated 30.05.2024, the objections, were dismissed and it was determined that the petitioner was due to pay Rs.2,48,000/- as arrears of interim maintenance to the respondent. The said order was challenged in appeal by the petitioner, however, the same was dismissed vide impugned order dated 06.03.2025. Thereafter vide order dated 22.07.2025, conditional warrants were issued against the petitioner. Aggrieved, the petitioner has approached this Court.

3. Learned counsel submits that as per the settlement arrived at between the parties dated 16.08.2023 the petitioner had been regularly paying maintenance to the respondent. However, despite the same, the respondent filed an execution petition for the enforcement of the order of interim maintenance granted to her under the DV Act vide order dated 06.05.2023. Learned counsel submits that the said application was moved by the respondent by concealing the fact that she was already receiving timely maintenance under Section 125 Cr.P.C. from the petitioner. In fact, after the wrongful dismissal of the objection raised by the petitioner, order of which was also challenged in appeal, conditional warrants were arbitrarily issued against the petitioner vide order dated 22.07.2025.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in



the arguments advanced by the learned counsel for the petitioner. The present petitioner is decided in *limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

5. A perusal of the impugned order dated 06.03.2025 passed in appeal against the order dated 30.05.2024, whereby the petitioner was directed to pay the arrears of Rs.2,48,000/- to the respondent, reveals that all the contentions raised herein were duly addressed by the Sessions Judge, Karnal. It was observed therein that the order of interim maintenance dated 06.05.2023 was earlier challenged in appeal by the petitioner, which was dismissed vide order dated 07.11.2023 by observing that the interim relief granted to the wife was not excessive, and that the petitioner could not have taken the benefit of the order dated 16.08.2023 passed in the proceedings under Section 125 Cr.P.C. by the learned Family Court, because at the time of passing of the order granting interim maintenance under the DV Act, the order passed by the Family Court was not in existence. The petitioner, it was noted, had the opportunity to raise this plea at the time of grant of maintenance under Section 125 Cr.P.C., or an alternate could have approached the learned Trial Court for modification of the order dated 06.05.2023.

6. It was further recorded in the impugned order dated 06.03.2025 that the order of learned JMIC, Karnal dated 30.05.2024 was passed in execution proceedings initiated by the respondent, wherein the arrears of maintenance which the petitioner was to pay under the DV Act were determined to be to the tune of Rs.2,48,000/-. Finding no infirmity in the order dated 30.05.2024, the appeal against the same was dismissed



by way of the impugned order dated 06.03.2025. It was thereafter that conditional warrants were issued against the petitioner vide order dated 22.07.2025, which reads thus:-

“Today the case was fixed for making balance payment by the respondent. Learned counsel for respondent stated that the respondent is not feeling well as he is paralyzed. However, no medical record has been submitted by him.

Learned counsel for respondent submitted a calculation sheet wherein he stated that only the amount of Rs.67,000/- has to be paid by respondent instead of Rs.2,37,000/-. However, it is pertinent to mention that this issue has already been decided by Learned District and Sessions Judge, Karnal vide order dated 06.03.2025 in CRA-203-2024. Therefore, it appears that the respondent is intentionally avoiding the payment of maintenance amount to the petitioner. He had also suffered a statement on 05.07.2025 that he would pay Rs.2,37,000/- to the petitioner today otherwise strict action be taken against him.

Therefore, let conditional warrant for a sum of Rs.2,37,000/- be issued against respondent Mohd. Shehzad for 02.08.2025.”

7. Furthermore, the execution petition in the instant case arises out of a subsisting order dated 06.05.2023 passed by learned JMJC Karnal granting interim maintenance to the tune of Rs.8,000/- per month in a application filed under the DV Act. The said order has neither been modified nor set aside in appeal/revision. The scope of execution is, therefore, confined to enforcement of the said order.

8. Trite to say that the Executing Court is bound to enforce the maintenance order as it stands; it cannot examine whether the wife is disentitled under the provisions of DV Act, nor can it adjust unilateral voluntary expenditures unless such adjustment is part of the original order or is agreed upon. Otherwise also, the case record shows that the maintenance order is clear on quantum and period, and the petitioner has



not secured any stay. Thus, the Execution Court was well within its powers to issue conditional warrants against the petitioner, order of which was passed by duly recording the statement of the petitioner made previously on 05.07.2025.

9. Learned counsel for the petitioner has not able to point out any perversity, patent illegality, or jurisdictional error in the impugned orders dated 30.05.2024 and 06.03.2025 which would warrant interference by this Court in exercise of inherent jurisdiction.

10. Consequently, the instant petition is dismissed. The impugned orders are maintained and affirmed.

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

(KIRTI SINGH)
JUDGE

18.08.2025

Kapil

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