



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

(128)

**CRM-M-42557 of 2025 (O&M)**

**Date of Decision: 06.8.2025**

Kamal Kant Hasija

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Petitioner in person.

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**KIRTI SINGH, J. (ORAL)**

1. The instant petition has been filed under Section 528 BNSS, 2023 for quashing of the order dated 9.4.2025 (Annexure P-1), passed by the learned Addl. Principal Judge, Family Court Faridabad in execution case bearing No. EXE/583/2022 titled as '*Geetu Hasija Vs. Kamal Kant Hasija*' whereby the application moved by the petitioner seeking permission to appear in Court through virtual hearing was allowed, but subject to the condition that he will clear the arrears of the execution petition amounting to Rs. 96,000/-. Further, the petitioner has also assailed the order dated 31.5.2025 (Annexure P-2), whereby he was directed to appear in person before the Court and clear the arrears of interim maintenance amount on the next date of hearing, failing which his defence would be struck off.

2. The petitioner submits that the impugned orders have been passed without taking into account the detailed objections dated 10.4.2023 filed by him, and also without considering the fact that one of his children is now residing with him in his care and custody. Moreover, the learned Family Court has failed to consider the fact that the respondent-wife filed her reply



dated 14.8.2024 at a belated stage and that no evidence in support of reply has been led by her. He further submits that he never refused or neglected to maintain the respondent-wife as per Section 125(1) Cr.P.C. It has further been argued that the present execution petition bearing No. 583/2022 has been filed by the respondent-wife against the petitioner without any cause of action, as even prior to the institution of the present petition under Section 125 Cr.P.C., he was regularly maintaining his wife and children. It has also been submitted that the impugned orders dated 9.4.2025 and 31.5.2025 as well as the execution petitions suffer from infirmity, inasmuch as the learned Family Court, without assigning any reason or evaluating the payment evidence, passed the said coercive orders including the conditional warrants of arrest. He further submits that since vide order dated 29.5.2025, this Court has conditionally quashed the identically natured order dated 20.5.2025 with direction of present and future payment, therefore, the learned Family Court, without appreciating the above fact, has erred in passing the subsequent impugned order dated 31.5.2025 thereby taking coercive steps against him. Therefore, it is prayed that the impugned orders be quashed and set aside.

3. Notice of motion to the State-respondent No. 1 only at this stage.
4. Ms. Saumya Ahluwalia, Sr. DAG, Haryana waives service of notice on behalf of the respondent-State.
5. 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.
6. The execution petition in the instant case arises out of a



subsisting order dated 25.04.2022 of the Family Court granting interim maintenance of Rs. 12,000/- per month to each of the three claimants (wife and two minor children) from the date of petition. 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.

7. The Executing Court is bound to enforce the maintenance order as it stands; it cannot examine whether the wife is disentitled under Section 125(4) Cr.P.C., nor can it adjust unilateral voluntary expenditures unless such adjustment is part of the original order or is agreed upon. Those are matters for determination in modification proceedings under Section 127 Cr.P.C, which as per the judicial record, have been initiated, and therefore would be decided in due course. Otherwise, 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 within its powers to require payment as a pre-condition for indulgence in procedural facilitation such as virtual appearance.

8. The order dated 09.04.2025 (Annexure P-1) merely permitted the petitioner to appear through video conferencing for arguments subject to clearance of admitted arrears in the execution within one month. Such an order, in the context of a subsisting and executable maintenance order, cannot be faulted. Besides, it was also made clear in express terms in the said impugned order that the petitioner, in case of failure to clear the arrears within the stipulated time period of one month, or if directed by the Court, would have to appear in person before the Court. It was therefore, on account of non-payment of arrears by the petitioner, as had been directed vide order dated 09.04.2025 (Annexure P-1), that the Court was constrained to pass the impugned order dated 31.05.2025 (Annexure P-2), whereby the



Court directed the petitioner to appear in person on the next date of hearing, failing which his defence was to be struck off. The petitioner's defences in the present petition either seek to reopen the merits of the maintenance granted or raise disputes which can only be considered in appropriate modification proceedings. It would also be pertinent to note here that the orders of conditional warrants passed against the petitioner in the same execution proceedings were also challenged by him in revision before this Court, which petitions also stand disposed of.

9. The grievances sought to be urged essentially question the correctness of the underlying maintenance order and the manner of its computation matters which lie beyond the narrow scope of interference in execution under Section 528 BNSS/Section 482 Cr.P.C. The inherent jurisdiction is to be exercised sparingly to prevent abuse of process or to secure the ends of justice. In the present case, no perversity, patent illegality, or jurisdictional error in the impugned orders is made out.

10. In view of the above, this Court does not find any perversity, patent illegality, or jurisdictional error in the impugned orders warranting interference in exercise of inherent jurisdiction.

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

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

**(KIRTI SINGH)**  
**JUDGE**

**August 06, 2025**  
Gurpreet Singh

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