



CRM-M-29027-2026 (O&M)

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

CRM-M-29027-2026 (O&M)

Date of decision: 21.05.2026

SURINDER KUMAR

..... PETITIONER

VERSUS

MANDIP KAUR AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks quashing of order dated 07.04.2026 of learned Principal Judge, Family Court, Jalandhar vide which salary of the petitioner has been ordered to be attached to the extent of 40% of remainder salary after legal and statutory deductions.
2. Learned counsel for the petitioner submits that learned Principal Judge, Family Court, Jalandhar illegally directed attachment of salary of petitioner to the extent of 40% in the execution application filed by the respondent. The execution application on record as Annexure P-6, sought recovery of maintenance amount for the period 26.09.2019 to 26.07.2024 i.e. 60 months, which worked out to ₹2,58,500/-. The petitioner had already paid up ₹98,200/- out of the total arrears and only ₹1,60,000/- was due and outstanding. In view of proviso to Section 125(3) Cr.P.C, now Section 144 BNSS, the order issuing warrant of attachment of salary of the respondent was liable to be set aside, as the execution petition could be filed within 01 year of passing of the



order, which was never done. In this context, he refers to judgment of Hon'ble Delhi High Court in ***Vasu Bajaj Vs. Rakesh Bajaj 2023 NCDHC 6035***.

3. Record perused.

4. Respondents, the wife and minor son of the petitioner, filed a petition under Section 125 Cr.P.C. for grant of monthly maintenance allowance. Vide order dated 23.08.2022, interim maintenance of ₹5,000/- was awarded to the respondents from the date of filing of the application. Later, the petition was finally decided vide judgment dated 10.02.2025 and respondent No. 1 was held entitled to ₹3,500/- per month, while respondent No. 2 was held entitled to ₹2,500/- per month, payable from the date of filing of the application, besides litigation expenses of ₹7,000/-. An execution application was filed under Section 147 BNSS/128 Cr.P.C. claiming the arrears of maintenance from 26.09.2019 to 26.07.2024 i.e. 60 months, totalling ₹2,58,500/-. Respondents sought attachment of salary of the petitioner, who opposed the same. The Court found default on part of the petitioner in payment of arrears and ordered attachment of his salary to the extent of 40% of remaining salary, after legal and statutory deductions.

5. In ***Rajnesh Vs. Neha and Another (2021) 2 SCC 324***, Hon'ble Supreme Court while issuing directions regarding enforcement of order of maintenance held as under:

“(e) Enforcement/Execution of orders of maintenance

132. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced Under Section 28-A of the Hindu Marriage Act, 1955; Section



20(6) of the DV Act; and Section 128 of CrPC, as may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC, more particularly Sections 51, 55, 58, 60 read with Order 21.”

6. The execution application, too, has been filed under Section 147 BNSS/128 Cr.P.C. The petitioner, therefore, cannot take shelter of proviso to Section 125(3) Cr.P.C. to claim that the attachment warrants could not be issued as the application was not made to the Court within a period of one year from the date on which the amount became due. There is no merit in the petition, which is hereby dismissed.

7. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

21.05.2026
Ajay Goswami

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No