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

Sr. No.126

**CRM-M-26223-2025 (O&M)
Date of decision : 27.05.2025**

Krishna Kumar

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gautam Kumar, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. The instant petition has been filed under Section 528 of BNSS, 2023 for quashing of the order dated 31.01.2025 (Annexure P12) passed by the learned Addl. Principal Judge, Family Court Faridabad in execution case bearing No.1265/2022 titled as 'Meenu Vs. Krishan Kumar Jha' in maintenance case No.295 of 2018 dated 05.07.2018 whereby conditional warrant of arrest has been issued against the petitioner.

2. Learned counsel for the petitioner submits that vide order dated 20.09.2022 the learned Family Court granted the maintenance to the tune of Rs.8,000/- per month to respondent No.2-wife from the date of filing of the application for maintenance and Rs.3,000/- each per month to both the children. Though admittedly the petitioner was drawing a salary of about Rs.30,000/- per month by working as a cab driver, however, after the pandemic hit, the petitioner was left with no source of income. In the execution petition filed on behalf of respondent No.2, the car of the petitioner, which was his means of earning income, was attached in lieu of the maintenance and keys and registration certificate of the car were handed

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over to respondent No.2. Thereafter, the petitioner started riding a motorcycle with Uber company from which he was able to earn a meager sum of Rs.15,000/-. Despite that, the petitioner had offered to pay small sums as maintenance as per his capacity, however, the same was not accepted by respondent No.2. Given his financial circumstances, the petitioner was unable to clear the pending arrears of maintenance due to which he was sent to civil imprisonment twice for a period of one month each vide order dated 18.10.2024 and 16.11.2024 (Annexures P-8 & P-9 respectively). Thereafter, on 13.12.2024, the petitioner suffered a statement in writing that he would make a payment of Rs.1 lakh to respondent No.2, whereafter he was released from custody vide order dated 13.12.2024 (Annexure P-10). On 31.01.2025, the application filed on behalf of the petitioner for exemption from personal appearance was dismissed and conditional warrants were issued against him because of the non-payment of the promised amount of Rs.1 lakh. Learned counsel submits that the petitioner is ready and willing to pay 50% of the amount of Rs.1 lakh as per his statement (based on which he was released from civil imprisonment) within a period of two weeks, and the remaining amount i.e. Rs.50,000/- within a further period of two months, and prays that the present petition be allowed in these terms.

3. Heard.

4. The present petition is being decided *in limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

5. In view of the submissions made by the learned counsel the petitioner, the impugned order dated 31.01.2025 (Annexure P12) passed by

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the learned Addl. Principal Judge, Family Court Faridabad is set aside. The petitioner is directed to pay 50% of Rs.1 lakh, payment of which was agreed to be made by him before the execution Court, within a period of two weeks from the date of this order, and the remaining amount within a further period of two months. Till then, no coercive steps shall be taken against the petitioner.

6. However, it is made clear that this order would not affect the execution proceedings pending against the petitioner before the execution Court. In case the petitioner fails to comply with the terms of this order, the execution Court shall proceed against him in accordance with law.

7. The petition stands disposed of in the aforesaid terms.

(KIRTI SINGH)
JUDGE

27.05.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No