



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

**CR No. 6267 of 2025 (O&M)
DATE OF DECISION: 09.09.2025**

SOHAN LAL @ SHER SINGH

.....PETITIONER

Vs.

INDERJEET KAUR

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 28.08.2025 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Sirsa, in Execution No. 20 of 2024, titled *Inderjeet Kaur vs. Sohan Lal*, whereby the objections filed by the petitioner have been dismissed.

2. Brief facts of the case are that the respondent, Smt. Inderjeet Kaur, wife of Sohan Lal @ Sher Singh, along with her minor son Ajay Pal, filed a suit under the provisions of the Hindu Adoption and Maintenance Act, 1956 (for short "the Act of 1956"), bearing Civil Suit No. 698 of 2001/2004, instituted on 01.12.2001/26.11.2004, against the present petitioner Sohan Lal alias Sher Singh and another. The present petitioner appeared in the said suit and filed a written statement. Thereafter, as many as five issues were framed by the Civil Judge (Senior Division), Sirsa



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(including the relief issue). Issue No. 1 was whether the plaintiffs were entitled to monthly maintenance allowance @ of ₹5,000/- per month, as prayed for. The learned lower Court, after taking evidence on record, decreed the suit of respondent-Inderjeet Kaur and her minor son to the effect that plaintiff No. 1-Ajay Pal was entitled to a sum of ₹1,500/- and plaintiff No. 2-Inderjeet Kaur (the respondent) was entitled to a sum of ₹3,500/- as monthly maintenance allowance from defendant No. 1-Sohan Lal alias Sher Singh (the petitioner), vide judgment dated 13.11.2007 (Annexure P-1).

2.1 Thereafter, respondent Inderjeet Kaur (plaintiff No. 2) on 15.02.2010 filed a petition under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (for short "*the Act of 2005*"), before the learned Judicial Magistrate Ist Class, Sirsa. Vide order dated 31.03.2015 (Annexure P-2), the learned Judicial Magistrate Ist Class directed the present petitioner to pay an amount of ₹3,500/- per month to the respondent Inderjeet Kaur from the date of the petition, in addition to the amount already being paid under the Act of 1956. Both the petitioner and the respondent assailed the order dated 31.03.2015 (Annexure P-2) before the learned Sessions Court. Both appeals were dismissed being devoid of merit by the learned Additional Sessions Judge, vide judgment dated 08.02.2017.

2.2 Thereafter, the respondent Inderjeet Kaur filed an application dated 05.02.2024 (Annexure P-3) for enforcement of the order dated 31.03.2015 for recovery of ₹3,500/- per month from 15.07.2015 to 14.02.2024.



2.3 The petitioner Sohan Lal @ Sher Singh filed objections on 19.07.2025 (Annexure P-4), raising the grounds of limitation and adjustment of maintenance awarded under the Act of 1956. However, the learned Executing Court dismissed the objections, vide impugned order dated 28.08.2025 (Annexure P-5), which is now under challenge.

3. Learned counsel for the petitioner has argued that the learned Civil Judge (Junior Division), Sirsa failed to consider the objections regarding limitation, as the execution application was filed after a lapse of about nine years. It was specifically contended that the respondent could claim maintenance for only one year in execution proceedings.

3.1 It was further submitted that respondent Inderjeet Kaur could either recover the maintenance allowance under the Act of 1956, whereby ₹3,500/- per month was granted to her, or under Sections 12, 17, 18, 19, 20, 22 and 23 of the Act of 2005, but not under both. These aspects were not considered by the learned Civil Judge (Junior Division), Sirsa while disposing of the objections.

4. I have heard learned counsel for the petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondent as it would only delay the proceedings besides entailing additional expense to the respondent.

6. After hearing the above submissions, this Court is of the considered opinion that learned counsel for the petitioner has not been able to cite any provision of law demonstrating that the respondent could recover maintenance only under one of the two enactments, namely, the



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Act of 1956 or the Act of 2005. Moreover, no provision from the Limitation Act, 1963 has been cited to show that the respondent was barred from claiming maintenance for more than one year under the said Act. The bar of one year exists only under Section 125(3) of the Code of Criminal Procedure, 1973, relating to issuance of warrants if the application for recovery of maintenance allowance is filed after lapse of one year from the date when the amount became due.

7. The learned JMIC, Sirsa, vide order dated 31.03.2015 (Annexure P-2), had directed the petitioner to pay ₹3,500/- per month to Smt. Inderjeet Kaur in addition to the amount already being paid under the Act of 1956. The said order was upheld by the learned Sessions Court. Further, the interim order dated 28.05.2025 (Annexure P-5) shows that the petitioner-judgment debtor, Sohan Lal, appeared and stated that he had made payment of only ₹8,000/- to the decree-holder, Inderjeet Kaur, and assured that he would make the remaining payment by 10.09.2025. Sh. Sohan Ram, Ex-Sarpanch, who accompanied the judgment debtor, also assured the Court to the same effect. Their statements were recorded separately by the learned Civil Judge (Junior Division), Sirsa.

8. Hence, once the petitioner had already given an assurance/undertaking before the learned Civil Judge (Junior Division), Sirsa to make the remaining payment to the decree-holder (respondent), he cannot now be permitted to assail the order dated 28.08.2025 (Annexure P-5).

9. This Court thus finds no illegality in the impugned order dated 28.08.2025 (Annexure P-5). Accordingly, the present revision petition,



being devoid of merit, is dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

SEPTEMBER 09, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

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| Whether Speaking | Yes/No |
| Whether Reportable | Yes/No |