
(2025) 09 P&H CK 0819
In the Punjab And Haryana At Chandigarh
Case No : CRR(F) Of 1004 Of 2025

Virender Singh @ Virender Singh Bhadu	APPELLANT
Vs	
Anju And Others	RESPONDENT

Date of Decision : 16-09-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 125

Citation : (2025) 09 P&H CK 0819

Hon'ble Judges : Amarjot Bhatti, J

Bench : Single Bench

Advocate : Lupil Gupta

Final Decision : Disposed Of

Judgement

Amarjot Bhatti, J

1. Petitioner Virender Singh @ Virender Singh Bhadu has filed instant revision against impugned order dated 03.06.2025 passed by Principal Judge, Family Court, Sirsa Camp at Ellenabad vide which property of the petitioner to the extent of one acre of land has been attached and ordered to be auctioned for recovery of Rs.5 lakhs which is against the facts and contrary to law.

2. Learned counsel for petitioner argued that on account of matrimonial dispute between husband and wife litigation started under

Section 125 Cr.P.C. and petition was also filed under DV Act. In the execution proceedings impugned order dated 03.06.2025 has been passed without considering the material facts. In the petition filed under DV Act, respondent No.2 has already received maintenance to the tune of Rs.2.10 lakhs and the said petition was dismissed vide order dated 25.10.2024. Aforesaid amount already paid by the petitioner has not been considered by the Executing Court. During the course of compromise dated 23.04.2015, petitioner had executed relinquishment deed transferring property in favour of their son Sachin who has attained majority. Respondent No.1 is well educated lady and is earning

Rs.70,000/- per month. She is owner of 6 acres of land. She is also having a school building. Therefore, respondent No.1 has sufficient means to maintain herself. Regarding order of maintenance in favour of respondent No.1, separate criminal revision is already filed. Executing Court has failed to consider these facts and impugned order has been passed to attach and auction his one acre of land for recovery of Rs.5 lakhs. Aforesaid order is not justified and the same may kindly be set aside by accepting present revision.

3. I have considered the arguments advanced before me and have gone through the record carefully. Along with the present revision, petitioner has placed on record copy of order passed in application under Section 125 Cr.P.C. for interim maintenance dated 25.07.2023 (Annexure P-2). The relevant portion of para No.6 runs as under:

"....In these circumstances, it would be in the interest of justice if the respondent is directed to pay interim maintenance to petitioners No.1 and 3 at the rate of Rs.7,000/- and Rs.5,000/-, respectively, total Rs.12,000/- per month from the date of order. Needless, it is to say that the maintenance shall be payable to petitioner No.3 till she attains the age of majority and any payment made in the petition under the Domestic Violence Act for the period after passing of this order shall be liable to be adjusted."

On the basis of this order, execution proceedings (Annexure P-5) were started, and to recover the arrears of outstanding amount, impugned order dated 03.06.2025 has been passed. In execution proceedings, Executing Court cannot go into the merits of the order passed on interim application filed under Section 125 Cr.P.C. The merits of the case can be adjudicated in the main case. In execution proceedings, the Executing Court is bound to implement the order. Therefore, terms of compromise and financial status of respondent No.2 cannot be looked into in execution application or in their revision petition. As per impugned order, there are arrears of Rs.5 lakhs outstanding towards the present petitioner. In case any payment was made towards maintenance in other proceedings, the petitioner is at liberty to file application before Executing Court seeking adjustment of the amount already deposited by him and the Executing Court will dispose of the same on merits. The argument of learned counsel for the petitioner that in the petition filed under DV Act, respondent No.2 has already received maintenance to the tune of Rs.2.10 lakhs and the said amount was not adjusted, is within the purview of Executing Court. As in the order referred above, it is specifically observed that any payment made in the petition under DV. Act for the period after passing of this order shall be liable to be adjusted.

Petitioner is bound to clear his arrears of maintenance towards the respondents. Executing Court had to use coercive method to recover the arrears. In case, outstanding arrears are cleared impugned order can be withdrawn. In light of aforesaid factual position, I do not find any valid reason to interfere in the impugned order dated 03.06.2025 and the criminal revision preferred by the

petitioner is, accordingly, declined.

4. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.