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

CRR(F)-617-2026 (O&M)

Date of decision: 21.04.2026

JITENDER SINGH

...PETITIONER

VERSUS

PINKI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Petitioner in person.

SHALINI SINGH NAGPAL J.

1. The revision petition impugnes order dated 25.02.2026 of learned Principal Judge, Family Court, Jhajjar in EXE CRL/57/2024 or CRM 36 of 2024 titled 'Smt. Pinki and Another Vs. Jitender'.

2. Petitioner, who is in person submits that the objection petition filed by him in the execution application of the decree holder was wrongly and illegally dismissed by the Executing Court, though he had shown willingness to give agricultural land which was earning income of Rs.10,000/- per month, to the respondents. Vide Annexure P9, he had executed relinquishment deed on 15.05.2025 in favour of respondent No.1 releasing in her favour the rights of usage of his agricultural land measuring 2 kanal 12 marla in District Jhajjar. The impugned order did not record findings on principle issues specifically raised and was non-speaking. The plea of the petitioner for discharge of maintenance liability through creation of rights in immovable property in favour of decree holder was supported by statutory provisions under Section 14 of the Hindu Succession Act, 1956. Learned Executing Court overlooked the obligation of the decree holder to



sustain herself and make a living by her own means. The differential treatment was contrary to the mandate of equality embodied under Article 14 and 15 of the Constitution of India. The order was passed mechanically without application of judicial mind and deserved to be set aside.

3. The petition under Section 125 Cr.P.C. filed by the respondents, wife and minor child of the petitioner, was decided by learned Principal Judge, Family Court vide judgment dated 06.02.2024. A sum of Rs.8,000/- per month was awarded to respondent No.1 and Rs.5,000/- per month to respondent No.2. Petitioner challenged the decision before this Court by filing CRR-F-745-2024. Vide order dated 28.05.2024, Annexure P4, the petition was dismissed. Judgment dated 06.02.2024 has attained finality. An execution application was filed by the respondents before learned Family Court at Jhajjar for recovery of arrears of maintenance. As disclosed in the impugned order, a sum of Rs.4,42,000/- is due and outstanding against the petitioner being the maintenance amount of 34 months with effect from 07.07.2021 to 07.05.2024. Not a single penny has been paid towards the arrears of maintenance. The execution petition was opposed by raising a plea that the JD/petitioner had released rights of usage of his agricultural land measuring 2 kanal 12 marla in favour of respondent No.1. Therefore, there was a valid, lawful and effective discharge and satisfaction of the decree.

4. In the impugned order, learned Family Court has observed as under:-

“.....10. It is pertinent to mention here that this Court has to execute the order dated 06.02.2024 passed by Ld. Predecessor in letter and spirit, till the time the same is not ordered to be set aside/modified by order passed in Appeal or Revision. It is



pertinent to mention here that even the order in question has not been altered/modified by virtue of any order passed under Section 127 Cr.P.C. The legality and illegality of order in respect to which the execution in question has been instituted by the DHs cannot be considered in the execution proceeding. A bare perusal of series of objection raised by objector can be considered not an objection in respect to the execution proceeding, rather an objection to legality of the order in respect to which the execution has been filed and in this regard, this Court has already expressed its observation that this is out of ambit of this Court. It is further that JD is not supposed to put his own terms and conditions regarding making compliance of the order. The order is very specific in nature that the JD has to pay maintenance amount in currency and not by any other means. It is further that JD is not supposed to put his own terms and conditions to seek directions of this Court regarding making compliance of the judgment order passed by Ld. Predecessor of this Court. It is further that JD instead of making compliance of the order making things complicated for DH. The JD may raise income from agricultural land pay the maintenance amount. Even it is open for JD to make payment by mortgaging, leasing or selling out his agriculture land. The plea as has been taken in the objection on the basis of Section 14 of Hindu Succession Act, 1956 is not tenable. It is further the case laws relied upon by the JD are found not applicable under the facts and circumstances of the present case. Hence, the



objection petition filed by the Judgment Debtor is hereby dismissed.....”

5. As per settled law, the Executing Court could neither go behind the decree nor could consider the release of usage rights of agricultural land by petitioner, a valid and lawful discharge of the maintenance order. The petitioner, having failed to pay up maintenance allowance, the objections were rightly dismissed. There is no apparent flaw or perversity in the impugned order warranting exercise of revisional jurisdiction.

6. The revision petition stands dismissed.

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

21.04.2026

Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

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