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

**CRR(F)-203-2026 (O&M)**

Date of decision: 25.03.2026

**RAGHUBINDER SINGH SAHOTA**

**...PETITIONER**

**VERSUS**

**HARPREET KAUR AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Shivender Pal, Advocate for  
Mr. Brijeshwar Singh Bhalla, Advocate  
for the petitioner.

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**SHALINI SINGH NAGPAL J. (Oral)**

1. The revision petition impugnes order dated 15.11.2025 of learned Principal Judge, Family Court, Moga.

2. Learned counsel for the petitioner submits that in the execution application filed by the respondent No.1 for recovery of Rs.3,68,000/-, learned Principal Judge, Family Court, Moga was subjecting the petitioner to continuous and successive imprisonment without releasing him on completion of one month which was violative of Section 125(3) Cr.P.C.

3. Section 125(3) Cr.P.C. read as under:--

*“(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month’s [allowance for the maintenance or the interim maintenance and expenses of*



*proceeding, as the case may be,] remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:*

*Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:*

*Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.*

*Explanation.—If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be just ground for his wife’s refusal to live with him.”*

4. The question whether a Court in the exercise of its powers under Section 125(3) Cr.P.C. can impose composite civil imprisonment in case of default in payment of arrears for a period of more than one month in a single stroke was considered by a Co-ordinate Bench of this Court in **Bal Raj Vs. Priya and Others 2022(1) RCR 0202** and it was observed as under:

*“.....In **Shahada Khatoon and others Vs. Amjad Ali and others : (1999) 5 SCC 672**, the Supreme Court while dealing with a similar question held in no uncertain terms that the powers of the Magistrate are restricted and no sentence exceeding the maximum i.e. one month, can be imposed for default, and if at all*



*the default persists even after the expiry of one month the only remedy available to the aggrieved party would be to approach the Magistrate concerned again after the expiry of one month for enforcing her claim of maintenance for sending the delinquent husband to civil imprisonment. Therefore, what flows from **Shahada Khatoon's case**(supra) is that the defaulter can under no circumstances be ordered to undergo composite civil imprisonment for a period beyond one month irrespective of the fact that the arrears etc. claimed in a single application by the aggrieved party may be for more than one month.*

8. *As a sequel to the above, the impugned order dated 16.03.2020 is set aside being wholly unsustainable and against the settled law. The petitioner shall be forthwith set at liberty, if not required in any other case.*

9. *Before parting with this order, liberty is granted to the respondents to file a fresh application, if they so wish, asserting noncompliance of the order passed under Section 125 Cr.P.C. 1973.”*

5. Order dated 15.11.2025 impugned in the revision petition shows that petitioner was ordered to undergo simple imprisonment upto 15.12.2025 for arrears of payment of 2 months from 06.12.2020 to 06.02.2021 or until payment, if sooner made. The order of learned Principal Judge, Family Court, Moga does not violate the mandate of Section 125(3) Cr.P.C. Simple imprisonment for a month in a single stroke is permissible as per law. Moreover, the revision petition has become infructuous as the petitioner has already undergone imprisonment upto 15.12.2025.



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

**25.03.2026**  
Sumit Singla

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

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