

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR(F) No. 197 of 2013 (O&M)
Date of decision : September 14, 2015

Sujata @ Sudha and another,

..... Petitioners

v.

Sh. Ashok @ Anil,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Sharmila Sharma, Advocate
for the petitioners.

Mr. RA Yadav, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

Prayer in this petition is for setting aside the order dated 24.9.2013 vide which an application for restoration of the petition filed under Section 125 of the Cr.P.C by the petitioners has been dismissed.

Parties are present in Court.

The admitted facts are that at one stage, the matter was compromised and even a petition under Section 13B of the Hindu Marriage Act was filed. However, that compromise did not fructify. The petitioner-wife moved the instant application for restoration of the previous petition under Section 125 of the Cr.P.C but the same has been declined, vide the

impugned order.

On 16.2.2015, the following was passed :-

“ On 13.10.2014, the parties had been directed to be present in Court. Respondent Ashok alias Anil is present. Neither the petitioner nor her counsel are present in Court despite the matter having been called twice.

In the interest of justice, adjourned to 24.03.2015.

Let counsel for the petitioner be informed of the date fixed.

Learned counsel for the respondent on instructions from Ashok alias Anil submits that he is ready and willing to rehabilitate the petitioner Sujata alias Sudha and minor child Hari Vans.”

Thereafter, at one stage the matter was referred to mediation but the same having not fructified, it has been referred back to this Court. On the last date, learned counsel for the parties were hopeful that some settlement may be possible. Today, counsel for the petitioners states that the petitioner-wife would not oppose to the settlement of this dispute but the fact of the matter is that the amount under the compromise was wholly insufficient for her and the minor 10 years' old son to even survive. I put it to the respondent as to how much money he is ready to give if not for the petitioner but for the minor son; the amount which he wants to give can be put in a fixed deposit in the name of the minor and the petitioner-wife can only be held entitled to the interest; and if he is facing financial difficulties, time can be granted to enable him to make a decent settlement. However, he states that he is not in a position to give any amount more than ₹ 2 lacs nor he is willing to keep his wife.

Counsel for the petitioners has argued that in the year 2008, the respondent had sold some land and had purchased two flats and he is not amenable to any compromise.

In view of these stark facts, I do not deem it to be in the interest of justice to take such a serious view as has been taken by the Family Court. Consequently, this revision petition is allowed, the impugned order is set aside and the petition under Section 125 of the Cr.P.C is restored. Parties are directed to appear before the concerned Court on 13.10.2015.

September 14, 2015
`kk'

(AJAY TEWARI)
JUDGE