

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

**Crl. Revision No. 2942 of 2016 (O&M)
Date of decision : 13.12.2016**

Mann Singh

... Petitioner

versus

Surinder Kaur and Ors.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Achin Gupta, Advocate
for the petitioner.

ANITA CHAUDHRY, J(ORAL)

The instant revision has been filed against the order dated 25.05.2016 whereby the application seeking condonation of delay in filing the appeal against the order dated 09.02.2016 passed by the Magistrate awarding maintenance to the respondents to the tune of Rs.10,000/- per month, has been dismissed on the ground of non-payment of maintenance amount.

Learned counsel states that order dated 09.02.2016 granting maintenance to the respondent, was challenged by the petitioner and an application for condonation of delay of 18 days was also filed but the appellate Court dismissed the application only on the ground of non-payment of maintenance. He has pointed out that till that time a sum of Rs.90,000/- had already been paid by the petitioner and a sum of Rs.1,85,000/- had been paid through cheque/draft/cash before the executing Court and to show his bona fide today he has brought a cheque of Rs.85,000/- in the name of respondent-Surinder Kaur.

The petitioner has paid/deposit substantial amount of maintenance. The parties are required to be heard on merits and cannot be ousted merely on technicalities.

There is no need to issue notice to the respondents. The order seems to be harsh. In view of the above order dated 25.05.2016 is set aside. The petitioner shall appear before the appellate Court on 21.12.2016 and hand over the cheque of Rs.85,000/-to the respondents. On his doing so, the appellate Court shall give notice to the other side and hear the case afresh.

Petition stands disposed of.

December 13, 2016
M. Negi

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No