

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

**CRM-M-41616-2017
Date of decision-03.11.2017**

Aarti and another

...Petitioners

Vs.

Abhishek Bhamboria

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ankit Chowdhri, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed for setting aside the order dated 23.08.2017 (Annexure P-1) passed by learned Judicial Magistrate First Class, Chandigarh vide which the evidence of the petitioner(s) was closed in a petition filed under Section 125 Cr.P.C titled “Aarti and another Vs. Abhishek Bhamboria”.

Learned counsel contends that the petitioner No.1 could not cause representation before the learned Judicial Magistrate First Class, Chandigarh due to her medical ailments and illness of her mother. The absence of petitioner No.1 before the trial Court is not intentional and wilful.

Heard.

Considering the medical ailments of petitioner No.1 and her mother, this Court is inclined to take a lenient view in the matter.

Accordingly, it is ordered that the petitioners be afforded one effective opportunity to lead their evidence.

In view of the above, the impugned order dated 23.08.2017

passed by learned Judicial Magistrate First Class, Chandigarh is set aside.

The learned trial Court is directed to afford one effective opportunity to the petitioners to conclude their evidence. However, the same shall be subject to payment of costs of Rs.5,000/- to be paid to the respondent-husband.

Disposed of accordingly.

This petition is disposed of without issuing notice to the respondent with a view to impart complete justice to the parties and to save the huge expenses, which may be incurred by the respondent as also in order to avoid unnecessary delay in adjudication of the matter. Still, if dissatisfied, the respondent may move this Court for recalling this order.

(JITENDRA CHAUHAN)
JUDGE

03.11.2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No