

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-46-2016 (O&M)

Date of Decision:- 26.05.2017

Yogesh Prabhakar

....Petitioner

Versus

Monika Prabhakar

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Petitioner in person.

RITU BAHRI, J. (Oral)

Present revision is against the order dated 03.02.2016 whereby the Additional District & Sessions Judge, District Judge (Family Court), Ambala has dismissed the application filed by the petitioner for recalling of order dated 24.09.2015 whereby application filed by the petitioner for revival of the proceedings under Section 127 of the Code of Criminal Procedure, 1973, has been dismissed.

In the present case, initially, an application, filed by the petitioner, has been dismissed on 13.08.2015 as he did not appear before the learned Court below when the matter was taken up before lunch and after lunch on two occasions. While dismissing the said application it has been observed by the Court that the petitioner was a qualified person being MBA and had taken all steps to delay the execution of the maintenance order. He has also failed to pay the maintenance to his wife and daughter. He did not appear to be a genuine litigant rather he appears to be a master of delaying

After hearing the petitioner and going through the record, this Court is of the considered view that the petitioner did not file any affidavit along with his application. He had also disputed the appearance of his counsel Mr. Anil Bhardwaj. Further, the learned District Judge (Family Court), Ambala, has passed the detailed speaking order while dismissing the application of the petitioner and the same does not require any interference. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Section 401 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

May 26, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No