

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

Crl. Misc. M-41691 of 2018 (O&M)
Date of Decision: September 20, 2018

Gaurav

...Petitioner

Versus

Meenu

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishal Aggarwal, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)
Heard.

Learned counsel for the petitioner herein contends that his application for recalling of the interim order dated 11.01.2018 is pending consideration, which is not being decided on account of the fact that the JMIC has directed that before deciding the said application, interim maintenance is to be deposited. It is also contended that the complainant had herself deserted the matrimonial home and the two minor children are being brought up by him. It is submitted that in order to show his bona fide, the petitioner is ready and willing to deposit ₹ 50,000/- with the executing court and prays that the matter be decided expeditiously.

Under the facts and circumstances of the present case, this court is of the considered view that in case, notice is issued in the present matter, it would unnecessary delay the process and cause needless expenditure to

both the parties.

As such, the instant petition is being disposed of *in limine*, with the direction to the petitioner herein to deposit a sum of ₹ 50,000/- with the executing court towards maintenance within a period of one week from today and on his doing so, his application for setting aside the ex parte order dated 11.01.2018 be decided within a period of two weeks thereafter. The executing court is directed to stay the execution proceedings, till the said application is decided, subject to the petitioner's depositing the aforesaid amount, within the aforesaid stipulated period.

The petition stands disposed of with the aforesaid directions. In case, the respondent has any grievance against passing of this order, she is at liberty to approach this court.

September 20, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No