

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

CRR(F)-91-2015 (O&M)

Date of Decision: September 07, 2018

Khem Chand

...Petitioner

Versus

Basanti

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking to challenge interim maintenance awarded under Section 125 Cr.P.C. to the respondent-Basanti vide impugned order dated 03.03.2015 passed by the District Judge, Family Court, Faridabad.

Brief facts of the case are that the District Judge, Family Court, Faridabad by taking note of the fact that the petitioner herein is in possession of 96K-14M of land allowed interim maintenance @ Rs.7000/- per month.

The instant petition has been filed in this Court in April 2015 and the matter is pending since then.

The mediation in the said matter was attempted, however, the same seems to be unsuccessful. The operation of the impugned order was stayed on 29.03.2016 by this Court. Thereafter counsel for the respondent

placed on record two sale deeds to show that the petitioner has sold the land worth over ₹1 Crore in the year 2013. The respondent-complainant was ready for a one-time settlement in the form of one acre of land or its price be given to her. However, it appears that the matter was not settled.

Subsequent thereto, learned counsel for the petitioner has been seeking adjournments to argue the matter. On 16.05.2017, last opportunity was granted to the counsel for the petitioner to address arguments and the matter was adjourned to 09.08.2017, on which date by order of the Court, the matter was adjourned to be taken up on 30.11.2017. On 30.11.2017, the counsel for the petitioner did not put any appearance and the matter was subsequently adjourned to 08.03.2018 in the interest of justice, on which date again the matter was not taken up and adjourned by order of the Court to 24.08.2018. On 24.08.2018, another adjournment was sought by the learned counsel for the petitioner to address arguments and the matter was adjourned to 07.09.2018. Today, on 07.09.2018 it is 03.30 p.m. and the matter has been called twice and there is no representation on behalf of the petitioner.

The main case was listed before the Family Court, Faridabad and through the impugned order dated 03.03.2015 interim maintenance was allowed under Section 125 Cr.P.C., which has been challenged through the instant petition before this Court.

I have perused the orders passed by the Family Court, Faridabad wherein reliance has been placed on a *jamabandi* of the year 2004-05 showing the respondent to be in possession of 96K-14M of land. Even during the pendency of proceedings in this Court, a statement had

been made that the petitioner herein had sold land in the year 2013 for a sum of ₹1 Crore. Since the learned counsel for the petitioner is not appearing to address the arguments despite last opportunity having been granted, prima facie this Court is of the opinion that no interference is called for in the present case.

Hence the present petition is dismissed.

A copy of this order be sent to the trial Court to continue with the proceedings pending before it.

September 07, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No