

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

CRR(F)-65-2016(O&M)

Date of decision:-25.7.2018

Asha Rani and another

...Petitioners

Versus

Vikaram Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Lalit Garg, Advocate
for the petitioners.

Mr.Gaurav Sethi, Advocate
for the respondent.

H.S. MADAAN, J.

Petitioner No.1 – Asha Rani, estranged wife and Ms.Aman, minor daughter of Vikaram Singh – respondent had brought a petition under Section 125 Cr.P.C. against the latter craving for grant of monthly maintenance allowance, which was dismissed by Additional District and Sessions Judge, Ambala acting as District Judge (Family Court), Ambala vide order dated 3.12.2015. The order had been passed on merits but the evidence of petitioners had been closed by order for the reason that petitioners had failed to lead evidence despite availing of three effective opportunities and case fell in category of Action Plan 2015-16.

Feeling aggrieved by that order, the petitioners have approached this Court by filing the instant revision petition, notice of which was issued to respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Section 125 Cr.P.C. is a piece of welfare legislation providing summary remedy to destitute wives and minor children to claim maintenance from husband/father, who though having sufficient means has neglected or refused to maintain his said wife/minor children. In such like cases, the Court should take somewhat sympathetic view and not shut the doors of evidence on the petitioner(s) hurriedly. The fact that the case was covered by Action Plan 2015-16 seems to have weighed heavily on the mind of the Presiding Officer, who closed the evidence of the petitioners and then went on to decide the petition. The approach of the petitioners in the matter to say the least has not been proper. The ends of justice demand that the petitioners should be given reasonable opportunity to lead evidence in support of their claim and then giving chances to respondent to lead evidence. The petition be decided on merits.

Therefore, the impugned order is not sustainable, the same is set aside and the case is remanded to District Judge, Family Court, Ambala with a direction to afford two reasonable opportunities with sufficient interval to the petitioners to lead evidence and thereafter giving reasonable opportunity to the respondent to bring evidence, if any, in support of his contention and the petition be decided on merits.

The petition is allowed accordingly. The parties through

counsel are directed to appear before District Judge (Family Court), Ambala on 14.8.2018, who will then fix a date for evidence of the petitioners and thereafter if required give another opportunity to the petitioners to lead evidence.

25.7.2018

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**