

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

**CRR(F)-595-2018 (O&M)
Date of Decision: 28.11.2018**

Harbhajan Singh

....Petitioner

Versus

Baljinder Kaur

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J

This revision is directed against the order passed by the Family Court, SAS Nagar, which allowed the maintenance to the respondent.

CRM-41625-2018

The revision had been filed with a delay of 346 days.

The reasons for the delay as explained in the application are necessary to be reproduced which are as under:-

3. That in the meantime, the Learned Trial Court has passed the final order dated 13.09.2017 awarding maintenance to the respondent and the same order is ex parte order and thereafter when it came in the knowledge of the petitioner that the final order dated 13.09.2017 awarding the maintenance has passed by the Ld. Trial Court, then the petitioner withdrew the above mentioned CRR(F) filed in this Hon'ble Court on dated 12.10.2018.

4. That due to the facts and circumstances mentioned above, the delay of 346 had occurred in filing the present revision before this Hon'ble Court.

Learned counsel for the petitioner contends that the order for payment of interim maintenance was passed against the petitioner which he had challenged by filing *CRR(F)-380-2017*. The counsel states that stay was granted on 12.02.2018 and the petitioner did not appear before the Court below after that and the petition under Section 125 Cr.P.C. was finally decided in his absence. Counsel submits that when he came to know that the main petition had been filed, therefore, he withdrew the petition on 12.10.2018 and therefore, the delay occurred.

The petitioner had challenged the interim order dated 11.05.2017 vide which interim maintenance was allowed to the wife and daughter. The petitioner thereafter failed to appear before the trial Court and was proceeded *ex parte* on 06.09.2017 and the main petition awarding maintenance was allowed on 13.09.2017. When *CRR(F)-380-2017* came up for hearing on 12.02.2018, the petitioner failed to inform the Court that the main petition had already been decided and the petition *CRR(F)-380-2017* had become infructuous. Meanwhile, execution had been filed. There were directions to the petitioner to deposit 80% of the arrears within 3 weeks and subject thereto, recovery of the further amount was stayed, that petition was subsequently withdrawn in October, 2018.

The reason for condonation of delay is that the revision petition had been filed in the High Court and therefore, he did not appear before the Court below. That is not a ground to condone the delay. The petitioner deliberately absented himself from the Court below. He did not inform the Court on 12.02.2018 that the main petition had also been decided. There are no grounds or sufficient reasons to condone the delay.

The application is dismissed. As a consequence, the main revision i.e. *CRR(F)-595-2018*, also stands dismissed.

November 28, 2018

**(ANITA CHAUDHRY)
JUDGE**

ps-I

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No