

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

CRR (F) No.98 of 2019 (O&M)
Decided on:- February 20, 2019.

Rajbir.

.....Petitioner.

Versus

Neelam and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present criminal revision against the order dated 17.01.2019 passed by learned Principal Judge (Family Court), Panipat, whereby the application filed by the petitioner for setting aside the order dated 17.12.2018 passed by learned Judicial Magistrate 1st Class, Panipat, was dismissed.

Vide order dated 17.12.2018 (Annexure P-2), learned Magistrate proceeded the petitioner *ex parte* as neither the petitioner was present nor the cost of Rs.5,000/- was paid. The Court had granted three opportunities to the petitioner to make the payment. However, the said amount was not deposited by him. While moving the application for setting aside the *ex parte* order dated 17.12.2018, the petitioner has submitted that the order dated 31.10.2018

passed by learned Magistrate could not be complied and cost of Rs.5,000/- was not paid as sister of the petitioner was ill.

At this stage, learned counsel states that the petitioner is ready to deposit the cost and he should not be non-suited for the reason that he has not deposited the cost.

I have heard learned counsel for the petitioner.

Notice to the respondents is not being issued as it would cause further delay in the matter, but considering the fact that the petitioner has shown his inclination to deposit the cost, the present petition is disposed of at this stage with a direction that in case the petitioner deposits the cost of Rs.10,000/- with the family Court within two weeks from today, the order dated 17.12.2018 passed by learned Magistrate and the order dated 17.01.2019 passed by the family Court shall be deemed to have been set aside.

However, in case the petitioner fails to make the payment of cost of Rs.10,000/- within the aforesaid stipulated period, the present criminal revision shall be deemed to have been dismissed.

February 20, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No