

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

CRM-M-10097 of 2019.

Decided on:- September 25, 2019.

Tirath Rani.

.....Petitioner.

Versus

Kuldeep Singh.

.....Respondent.

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

\*\*\*\*\*

Present:- Dr. Payel Mehta, Advocate  
for the petitioner.

**HARI PAL VERMA, J. (Oral)**

The petitioner has filed present petition under Section 482 Cr.P.C. for setting aside/modification of the order dated 11.12.2018 passed by learned Additional Sessions Judge, Ludhiana, wherein in view of the statement made by the petitioner (appellant therein), her appeal was dismissed as withdrawn.

Briefly stated, the petitioner-wife had filed a petition under Section 125 Cr.PC for grant of maintenance against the respondent-husband. Vide order dated 04.06.2018, learned Judicial Magistrate 1<sup>st</sup> Class, Ludhiana granted maintenance to her @ Rs.3,000/- per month from the date of application along with Rs.2,000/- as litigation expenses.

Claiming that the awarded maintenance is on lower side, the petitioner-wife had filed an appeal against the order dated 04.06.2018 of learned Magistrate before the Court of Session, Ludhiana. However, on

11.12.2018, on the basis of statement made by her with regard to withdrawal of the appeal, learned Additional Sessions Judge, Ludhiana had allowed her to withdraw the appeal and accordingly, the appeal was dismissed as withdrawn.

Learned counsel for the petitioner-wife states that, in fact, against the order dated 04.06.2018 passed by learned Magistrate, the petitioner was required to file a revision and not the appeal and it is for this reason, she had withdrawn the appeal.

Having heard learned counsel for the petitioner and perusing the order dated 11.12.2018 passed by learned Additional Sessions Judge, Ludhiana, this Court finds that no such statement was ever made by the petitioner before learned Additional Sessions Judge that she wanted to file a revision and for this reason, she had withdrawn the appeal. There is no such recital in the statement enabling her to file revision petition.

Further, vide order dated 04.06.2018 learned Magistrate has already awarded maintenance to the petitioner @ Rs.3,000/- per month and in case she has not been given any maintenance by the respondent-husband, she is at liberty to file execution, but nothing has been brought to the notice of this Court that the petitioner has filed any such execution petition for implementation of order dated 04.06.2018 passed by learned Magistrate.

Moreover, vide order dated 09.05.2019, this Court, without observing anything on the merits of the case, directed the parties to appear before the Mediation and Conciliation Centre of District Court, Ludhiana on 12.07.2019, but learned counsel for the petitioner, on instructions from her client, who is present in Court, states that the petitioner did not appear there.

Therefore, in view of the fact that the petitioner herself had withdrawn appeal from the Court of learned Additional Sessions Judge, Ludhiana on 11.12.2018 and there was no such, even remote, reference in her statement that she wanted to file a revision against the order dated 04.06.2018 passed by learned Magistrate, this Court finds that no ground is made out to set aside or modify the impugned order dated 11.12.2018 passed by learned Additional Sessions Judge, Ludhiana.

The present petition is, accordingly, dismissed.

**September 25, 2019**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No