

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-19535 of 2016

Date of Decision: 17.05.2019

Sudesh & another

...Petitioner(s)

Versus

Sanjay Kumar & another

...Respondent(s)

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

Present:- None.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of order dated 11.03.2016 passed by learned Sessions Judge, Yamuna Nagar at Jagadhri, whereby the revision petition filed by respondent no.1 against order dated 05.08.2013 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, was partly allowed.

The operative part of the impugned order dated 11.03.2016 reads as under:-

“8. Resultantly, the present revision petition is ordered to be partly allowed and the impugned judgment dated 05.08.2013 passed by the learned trial Court is modified to the extent that the enhanced amount of maintenance allowance payable to respondent/petitioner No.1 is reduced to Rs.600/-

from Rs.2,000/- per month and payable to respondents/petitioners No.2 and 3 is reduced to Rs.500/- each from Rs.1,000/- each per month from the date of institution of the petition under Section 127 Cr.P.C. However, it is made clear that Sweety and Shallu, respondents/petitioners No.2 and 3, will be entitled to receive such maintenance allowance till the date of their respective marriage. Trial Court record be sent back with a copy of this judgment. File of revision petition be consigned to the record room after due compliance.”

On May 31, 2016, this Court, while issuing notice of motion in the case for 20.09.2016, had stayed the operation of the impugned order dated 11.03.2016, but, thereafter, the case was adjourned repeatedly mostly at the instance of the petitioners. On 25.01.2018, this Court passed the following order:-

“Learned counsel for the petitioner would file an affidavit as to when her daughter got married. The date of marriage should be mentioned and the wedding card be attached.

Adjourned to 06.04.2018.”

Subsequently, vide order dated 04.10.2018, this Court adjourned the case to 10.12.2018 subject to payment of Rs.1500/- as costs payable with the High Court Legal Services Authority. On 10.12.2018, the case was adjourned to 28.01.2019 and then to 20.03.2019, granting last opportunity to do the needful, but the cost was never deposited. Today, an adjournment slip has been placed on behalf of the petitioner.

This Court finds that despite there being last opportunity to deposit costs, the petitioner has not deposited the same, leaving no other option for the Court except to dismiss this petition for non-prosecution.

Dismissed for non-prosecution.

May 17, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No