

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. (F) 377 of 2018 (O&M)
Date of decision : November 08, 2019

Sandeep Singh

....Petitioner

versus

Sunita and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Saurabh Dalal, Advocate, for the petitioner

Mr. Anil Ghangas, Advocate, for the respondents

Fateh Deep Singh, J. (Oral)

Petitioner Sandeep Singh husband has come up in this criminal revision aggrieved over an order dated 11.7.2018 of the court of learned Principal District Judge, Family Court, Gurugram wherein proceedings under Section 125 Cr.P.C. for grant of maintenance, the court has allowed the application of the applicant wife/child directing recalling of RW1 to RW3. The then respondent husband Sandeep present petitioner aggrieved over the same has come up in this petition.

Going through the arguments of the two sides it was the application of the wife for recalling RW1 to RW3, the orders had come about. The same are reproduced as below to lay emphasis:-

“Today case is fixed for arguments on application to recall the RW1 to RW3. An application for exemption from personal appearance on behalf of respondent has been filed by the proxy counsel for the respondent. Today main counsel for the respondent and respondent himself not appeared today. This conduct of the respondent shows that he wants to linger on the matter.

In view of the contents of the application to recall the RW1 to RW3 stands allowed. To come up on 1.8.2018 for presence of RW1 to RW3 for their cross-examination.”

A perusal of the same shows that there is total non-application of mind by the court below. How or what are the grounds which has implored the court to allow the application which was to meet the ends of justice which has necessitated it so. The cryptic order bereft of any essentialities is reflective of the undue haste of the court whereby all cannons of justice have been thrown off to the

winds. Rather what one can perceive from such an order that it is purely a flagrant exercise of the powers of the court which needs to be strongly deprecated. In light of the same the impugned order dated 11.7.2018 needs to be set aside by way of acceptance of the instant revision, thereby setting aside the impugned order and directing the court below to rehear the parties and pass fresh speaking order thereon.

The present petition stands disposed of.

The parties through their counsel are directed to appear before the trial court on 15.1.20.

November 08, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No