

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

CWP No.23729 of 2019
Date of decision:-02.09.2019

Jeet Singh

.....Petitioner

versus

Presiding Officer, Lok Adalat, Pehowa, District Kurukshetra and ors.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Janya Sirohi, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner has filed the instant petition praying for the issuance of a writ of certiorari seeking quashing of the order dated 07.03.2009 (Annexure P-5) passed by the Lok Adalat, Pehowa, and in terms of which he has been directed to pay maintenance @ 800 per month each to the private respondents No.2 and 3.

Further challenge is to the order dated 30.05.2019 (Annexure P-8) passed by the Principal Judge, Family Court, Kurukshetra allowing the application that had been filed by the private respondents under Section 128 Cr.P.C.and dismissing the objections that had been filed by the petitioner herein.

It may be noticed that respondents No.2 and 3 are the wife and minor son of the petitioner.

Impugned order dated 07.03.2009 (Annexure P-5) has been passed by the Lok Adalat, Pehowa, in pursuance to an application preferred by the wife under Section 125 Cr.P.C.seeking maintenance for herself as also her minor son.

The sole contention raised by learned counsel is that the impugned order cannot sustain inasmuch as due procedure had not been followed by the Lok Adalat as no efforts had been made towards conciliation and exparte proceedings had been conducted.

Further submitted that the petitioner is unemployed and as such it would not be possible for him to comply with the order of paying maintenance of Rs.800/- per month.

Having heard counsel for the petitioner, this Court is of the considered view that there is no merit in the instant petition and the same deserves to be dismissed.

Perusal of the various zimny orders placed on record would reveal that the matter had been referred to the Lok Adalat. Prior thereto the respondent in the proceedings under Section 125 Cr.P.c. i.e. the petitioner herein had been proceeded exparte. It was on the statement made by the private respondents herein that they had agreed to accept Rs.800/- per month to be given to each of them as maintenance that the impugned order dated 07.03.2009 has been passed.

Perusal of the impugned order would further reveal that not only was the petitioner herein proceeded exparte but he was also declared a proclaimed offender in case titled as State Vs. Jeet Singh. Counsel does not dispute such factual premise. It has further been conceded that no challenge has been laid to the order whereby the petitioner had been declared a proclaimed offender.

The clear interference that this Court can draw is that the petitioner has deliberately chosen not to join proceedings.

Even otherwise this Court would not be inclined to intervene in a matter where a meagre amount of Rs.800/- per month had been allowed

towards maintenance in favour of the wife as also the minor son.

No intervention in the matter is called for.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

02.09.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No