

132.

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

CRM-M-54228-2019

Date of decision: 18.12.2019

KULDEEP SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the conditional warrants dated 19.11.2019 issued against the petitioner by the learned Principal Judge, Family Court, Ludhiana.

Vide order dated 29.01.2016, the learned Judicial Magistrate Ist Class, Payal, had allowed the petition filed by the respondent under Section 125 Cr.P.C. and the learned Magistrate had awarded maintenance to the respondent-wife @ Rs.3,000/- per month from the date of the petition.

Counsel for the petitioner states that the order dated 29.01.2016 was an ex-parte order and it is for this reason, the petitioner has filed an application so as to set aside the ex-parte order dated 29.01.2016 passed by the learned Magistrate. He has argued that in para 2 of the order dated 29.01.2016, the learned Magistrate has observed that upon notice issued to the petitioner, his counsel had appeared, but the zimni order so attached with this petition nowhere suggests that the petitioner was ever represented by

any counsel and in this manner, he was not served in the case. He further states that the petitioner would be satisfied in case the application filed by the petitioner dated 04.05.2016 praying to set aside the ex-parte order is decided expeditiously.

Heard.

At this stage, without issuing any notice to the respondent, the present petition is disposed of with a direction to the trial Court before whom the application filed by the petitioner for setting aside the ex-parte order is pending consideration, to decide the same preferably within three months from today.

However, it is made clear that if no such application has been filed or pending before the trial Court, it shall not be obligatory on the part of the trial Court to decide such application.

(HARI PAL VERMA)
JUDGE

18.12.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No