

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

Crl. Misc. M- 7067 of 2020 (O&M)
Date of Decision: 17.2.2020

Vikram Singh

..Petitioner

Versus

Smt. Chanchal

..Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

JAISHREE THAKUR, J.

The petitioner herein has filed this petition under Section 482 of the Code of Criminal Procedure for issuance of a direction to the trial court to decide a case MNT No. 303 of 2019 titled Chanchal Vs. Vikram Singh for maintenance in a time bound fashion. The petitioner herein argues that the respondent herein has filed a petition seeking maintenance under Section 125 of the Code of Criminal Procedure and the same is pending for her evidence for the last one year and as on date no single witness has been examined by her.

Learned counsel for the petitioner would rely upon the zimni orders which have been annexed as Annexure P/5 with the petition to urge that the respondent had been given last opportunity to lead evidence but still she is delaying the matter on one pretext or the other.

I have heard learned counsel for the petitioner and propose to dispose of this petition in limine without issuing notice to the respondent.

Admittedly, the respondent has filed a petition under Section 125 of the Code of Criminal Procedure and the same is pending before the Principal Judge, Family Court, Narnaul. A perusal of the zimni orders would show that the respondent herein has availed of several opportunities to adduce her evidence but till date she has not concluded her evidence. The maintenance case was filed in the year 2018 and by order dated 25.3.2019, the Principal Judge, Family Court, Narnaul, adjourned the case for 28.5.2019 for the evidence of the respondent at her own responsibility and for the petitioner to make payment towards maintenance. However, the matter was then transferred to another Court on which date again the matter was adjourned as no PW was present. Thereafter, an application was moved by the respondent for issuance of conditional warrants for arrest against the petitioner herein as the maintenance amount had not been paid. On the next date of hearing, the question regarding sending the petitioner herein in custody in civil imprisonment for non payment of maintenance was taken up, on which date again no PW was present. Ultimately, the Court adjourned the case for 26.2.2020 for recording statement of the respondent's witnesses and payment of maintenance. A perusal of the pleadings would definitely reflect that the complainant is dilly dallying in producing her evidence and that too despite several opportunities having been allowed to her.

Consequently, this petition is disposed of with a direction to the Principal Judge, Family Court, Narnaul to decide the petition filed under Section 125 of the Code of Criminal Procedure as expeditiously as possible

and preferably within nine months from the date of receipt of a copy of this order.

17.2.2020
prem

(JAISHREE THAKUR)
JUDGE

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