

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4430-2020

Date of Decision : January 31, 2020

Gurmit SinghPetitioner

Versus

Surinder Kaur Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Harjinder Singh, Advocate for
Mr. Avtar S. .Khinda, Advocate
for the petitioner.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for quashing of the impugned orders dated 18.01.2018 and 17.10.2019 passed by the Judicial Magistrate Ist Class, Jalandhar and Principal Judge, Family Court, Jalandhar respectively (Annexures P3 and P6) in petition under Section 125 Cr.P.C. filed by the respondent-wife.

Heard the learned counsel.

It transpires from the order dated 18.01.2018 passed by the JMIC, Jalandhar, that the petitioner herein was proceeded against ex-parte earlier also vide order dated 08.07.2015. After being proceeded against ex-parte he appeared and filed his written statement. However, thereafter he again disappeared and was proceeded against ex-parte vide order dated 04.08.2017 of the Court below. It was in these circumstances that the petition of the respondent-wife under Section 125 Cr.P.C. was allowed and

be paid to her by the petitioner herein.

The contention of the learned counsel that when the ex-parte order was passed against the petitioner he was not in India and thus the ex-parte order deserves to be set aside, is without any merit. It is very evident that not only was the petitioner aware of the petition under Section 125 Cr.P.C. pending before the court as he had been proceeded against ex-parte on an earlier occasion coupled with the fact that he had also filed his written statement as already observed herein above. It is obvious that the petitioner deliberately absented himself from the court proceedings to avoid paying the maintenance amount and to harass the respondent-wife.

In view of the above, no ground for setting aside the impugned orders dated 18.01.2018 and 17.10.2019 passed by the Judicial Magistrate 1st Class, Jalandhar and Principal Judge, Family Court, Jalandhar respectively (Annexures P3 and P6) is made out.

The petition is dismissed.

31.01.2020
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No