

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

**CRR(F)-504-2018 (O&M)
Decided on : 22.01.2020**

Sandeep Kumar

... Petitioner(s)

Versus

Darshana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. H.S. Lohra, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

Instant revision petition has been filed under Section 401 Cr.P.C. for setting aside the impugned judgment/order dated 26th October, 2017, passed by the learned Principal District Judge, Family Court, Hisar (in short 'Ld. Family Court'), on an application filed under Section 125 Cr.P.C., by respondent No.1 – wife, wherein, the petitioner was ordered to be proceeded against *ex-parte* by the Ld. Family Court.

It has been contended that the impugned order deserves to be set aside being *ex-parte* and an opportunity of fresh hearing to the petitioner be given to meet the ends of justice.

It has been urged that the petitioner was unaware about the impugned order vide which he had been directed to pay a sum of ₹ 20,000/- p.m. (₹ 10,000/- p.m. to each of the respondents) from the date of filing of the petition along with ₹ 5500/- as litigation expenses. It has further been submitted that it was only when he received the notice in execution proceedings that he became aware of the same. It has also been urged that

he was kept in the dark and it was due to the negligence of his counsel representing him before the Court below that he was proceeded against *ex-parte* vide order dated 21.03.2017. It has thus been pleaded that the *ex-parte* order deserves to be set-aside, more so, as the maintenance granted to the respondent-wife was beyond his capacity and means.

I have heard learned counsel for the petitioner and perused the impugned order passed by the Court below.

It is a matter of record that the petitioner had been appearing before the lower Court continuously and was even represented by a counsel. It was only at the stage of recording of petitioner's evidence that he failed to appear before the Court and it was at that stage on account of his failure to appear that he was rightly proceeded against *ex-parte*.

As per the impugned order the petitioner (respondent therein), who is an agriculturist, is the owner of 20 acres of agricultural land and besides this, his father too owns 22 acres of land. He is also stated to be in the business of dairy farming. The respondent-wife on the other hand is suffering from medical ailment and has no independent source of income. The petitioner being a man of means, would definitely be getting sufficient income from his agricultural land and hence he is legally bound to maintain his legally wedded-wife and child.

In view thereof, no fault thus can be found in the impugned order dated 26th October, 2017, passed by the Ld. Family Court and does not warrant interference of this Court in its revisional jurisdiction. Consequently, the present revision petition stands dismissed.

There is a delay of 301 days in filing the revision petition.

Since the main petition has been dismissed, therefore, no separate orders are

required to be passed in the application for condonation of delay in filing the revision petition and the same stands disposed off as such.

(MANJARI NEHRU KAUL)
JUDGE

January 22, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*