

CRM-M No.33293 of 2021(O&M)

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

CRM-M No.33293 of 2021(O&M)

Date of Decision:17.08.2021

(Heard through VC)

Ishu Kumar @ Anup Kumar

...Petitioner

Versus

Neha and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed by the petitioner for quashing of the impugned order dated 29.07.2021 passed by the Additional Principal Judge (Family Court), Ambala whereby evidence of the petitioner has been closed by order.

Learned counsel for the petitioner would contend that evidence of the respondent-wife was closed vide order dated 09.09.2019 and on 03.10.2019, the trial court while recording that a compromise has been effected and matter is likely to be settled, adjourned the matter for 09.12.2019 for compromise. Thereafter, the matter kept on adjourning for various dates to explore the possibility of settlement. It is further contended that owing to nationwide lockdown imposed due to outbreak of COVID-19 pandemic, the matter was not taken up until 08.02.2021, on which date, the petitioner herein was proceeded against ex parte. However, on filing application for setting aside the said ex parte order, the same was allowed and the ex parte order was

set aside and the petitioner was granted last opportunity for leading evidence on 22.03.2021. However, when the matter was again taken up on 08.04.2021, on an application moved by the respondent-wife for issuance of conditional warrants of arrest against the petitioner due to non-payment of interim maintenance, the petitioner was directed to pay arrears of interim maintenance on the next hearing date i.e. 20.05.2021. Again due to second wave of CORONA-19 pandemic, the matter was adjourned for 29.07.2021, on which date, the evidence of the petitioner was closed while issuing conditional warrants of arrest with respect to arrears of maintenance for one year.

Counsel for the petitioner herein would contend that the petitioner herein was working as a medical representative in a pharmaceutical company at Saharanpur and owing to outbreak of CORONA-19 pandemic, the petitioner suffered badly and therefore, was not in a position to make payment of maintenance awarded to the respondent and further, he could not attend the court proceedings due to restrictions imposed by the State Governments in view of ongoing pandemic. It is further contended that the petitioner is ready to clear the arrears of maintenance in installments and therefore, prays that the impugned order may be set aside.

I have heard counsel for the petitioner and have perused the paper book. Keeping in view the fact that the petitioner is ready and willing to clear the arrears of maintenance, this Court deems it appropriate to dispose of the instant petition *in limine* with direction to the petitioner herein to deposit the arrears of maintenance before the trial Court within a period of four weeks from today. In the meantime, the trial Court is directed to adjourn the case for a period of five weeks from today and the conditional warrants of arrest of the

petitioner shall be kept in abeyance and the petitioner shall be allowed one more opportunity to lead evidence, subject to prior deposit of arrears of maintenance with the trial Court. However, it is made clear that any amount of maintenance paid already shall be adjusted. In case of any default of payment within the specified time of four weeks, the instant petition shall be deemed to be dismissed.

August 17, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No