

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

116

CRR(F)-293-2021

Date of decision: 10.09.2021

Brij Raj Chaurasia and another

.....Petitioners

Versus

State of Prabhavati

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Sitanshu Sharma, Advocate
for the petitioners.

(Through Video Conferencing)

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are impugning order dated 17.08.2021 passed by learned Additional Principal Judge, Family Court, Faridabad in case CIS No.Mnt-125/583/2018 under Section 125 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C."), titled as 'Prabhavati Vs. Brij Raj Chaurasia and another' vide which evidence of the petitioners was closed by order.

Learned counsel for the petitioners submits that on account of lockdown imposed in the country with effect from 24.03.2020, the case could not be taken up by the Family Court concerned and was thereafter adjourned on various dates. However, when the case was taken up for hearing on 16.03.2021 for defence evidence, the petitioners could not reach Faridabad from Uttar Pradesh on account of non-availability of public transport as a result of which the case was again adjourned to 18.05.2021 after being given an opportunity by the Court concerned.

Learned counsel for the petitioners further submits that thereafter again countrywide lockdown was imposed with effect from 24.04.2021 and the case was adjourned to 02.06.2021 and yet again adjourned to 17.08.2021 on account of lockdown. In the aforementioned background, the petitioners were unable to reach Faridabad for participating in the proceedings before the Court as a result of which the impugned order came to be passed. Therefore, a prayer has been made to set aside the impugned order and the petitioners be given one effective opportunity to lead their evidence.

In the facts and circumstances of the case, this Court sets aside the impugned order. The petitioners are granted one last effective opportunity to conclude their evidence. For the delay and inconvenience caused, the respondent can be compensated by payment of costs.

At this stage, learned counsel for the petitioners submits that a compassionate view may be taken as it would be difficult for the petitioners to pay an amount beyond Rs.5,000/- due to the prevailing conditions.

In view of the above, the revision petition is allowed and impugned order dated 17.08.2021 passed by learned Additional Principal Judge, Family Court, Faridabad in case CIS No.Mnt-125/583/2018 under Section 125 of the Cr.P.C., titled as 'Prabhavati Vs. Brij Raj Chaurasia and another' is set aside. Learned Additional Principal Judge, Family Court, Faridabad is directed to give one effective opportunity to the petitioners to produce their evidence, on payment of Rs.5,000/- as costs by the petitioners to the respondent, on

the date fixed before the learned Additional Principal Judge, Family Court, Faridabad.

10.09.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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