

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-523-2022

Date of decision : 30.03.2022

Arunish Kalsi

.....Petitioner

versus

Mamta Kalsi

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Dr. Sumati Jund, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has filed this revision petition praying for setting aside the impugned order dated 28.02.2022 passed by the Court of Additional Sessions Judge, Rupnagar vide which appeal filed by the petitioner against the order dated 16.10.2019 passed by learned trial Court allowing *ex parte* application of petitioner and declining the setting aside of order dated 19.01.2019 granting interim maintenance of Rs.32,000/- per month to respondent, was dismissed. The appeal which was filed without an application for condonation of delay was dismissed being beyond the period of limitation

From the bare reading of the file, it is apparent that the case has a chequered history. After hearing counsel for the petitioner and perusing the record, this Court does not want to go into the merits of the case. However, from the *prima facie* reading of the impugned order dated 28.02.2022, it is apparent that the conduct of the petitioner is lackluster since beginning. The impugned order has been passed as the appeal was filed without filing any application for seeking the condonation of delay. In the interest of justice, the Court is of the opinion that case should be heard on merits and the respondent-wife should not be summoned at this stage.

However, keeping in view the overall interest of the parties, the prayer of the petitioner is accepted on the condition that if the petitioner pays a cost of Rs.25,000/- to the respondent-wife and files an appeal along with the application for condonation of delay then the same be decided afresh on merits in accordance with the law. The impugned order dated 28.02.2022 is *set aside*. It is being made clear that the learned Additional Sessions Judge, Rupnagar would ensure before entertaining the appeal that the petitioner has deposited/paid the cost of Rs.25,000/- to the respondent-wife.

Revision stands disposed of in above terms.

30.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE