

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

CRM-M-45871-2018

Date of decision : 30.08.2022

Prince Sodhi

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- None.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 13.07.2018 passed by Additional Sessions Judge, Amritsar vide which maintenance of Rs.2,000/- per month to the wife and Rs.2,500/- per month to the minor granted by learned Judicial Magistrate Ist Class, Amritsar vide order dated 01.12.2017 was modified enhancing maintenance to Rs.4,000/- per month each for wife and the minor.

As per record, the petitioner during the proceedings pending before the learned Judicial Magistrate never preferred to appear and thus, he was proceeded *ex parte*. Finally, learned Judicial Magistrate Ist Class decided the case vide impugned order dated 01.12.2017 and granted the maintenance as afore-mentioned. The respondents No.2 and 3 herein thereafter preferred a criminal revision before the learned Additional Sessions Judge, Amritsar praying for enhancement of the maintenance awarded by the learned Judicial Magistrate Ist Class vide order dated 01.12.2017. The petitioner contested the same and finally, the Revisional Court allowed the enhancement vide impugned order dated 13th July, 2018 wherein the maintenance was enhanced for the wife from Rs.2,000/-

per month to Rs.4,000/- per month and in the same way, to the minor from Rs.2,500/- to Rs.4,000/- i.e. in all granted maintenance of Rs.8,000/- per month to both the respondents No.2 and 3. The petitioner assailed both these orders by filing this petition.

The case came up for hearing for the first time before this Court on 17th October, 2018. Thereafter, this Court vide order dated 21st November, 2018 directed the petitioner to deposit entire arrears of maintenance so due till date in the Registry of this Court before the next date of hearing and the case was fixed for 1st February, 2019. The petitioner did not comply with the same and prayed for an adjournment to make its compliance. The Court adjourned the case for 29th April, 2019 to enable him to comply with the order already passed on 21st November, 2018. Thereafter, when the case came up for hearing on 22nd May, 2019, the Court granted a final opportunity to the petitioner for compliance of the order dated 21st November, 2018. However, the position remained same and the petitioner did not comply with the said order. The case thereafter, came up for hearing on 6th December, 2019 on which date no one was present on behalf of the petitioner. The same is position as on today. There is no justification for keeping the case pending any more. The relationship between the petitioner and the respondents is not in dispute. When respondents No.2 and 3 filed petition under Section 125 Cr.P.C., the petitioner never appeared to join proceedings and he was proceeded *ex parte*. Thereafter, before the Revisional Court he appeared. However, the Revisional Court allowed the enhancement for both the respondents No.2 and 3 after taking into consideration the income of the petitioner and the law settled by the Hon'ble Apex Court. The petitioner is

an able-bodied person. The maintenance granted under Section 125 Cr.P.C. is for preventing the vagrancy and the destitution. The conduct of the petitioner is self-speaking i.e. he is not interested in complying with the orders of the Court. The Court do not find any merit in the present case and hence, the same is hereby dismissed.

30.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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