

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

Sr. No.125

**CRR(F)-504-2022 (O&M)
Date of decision: 02.06.2022**

Jagmeet Singh

....Petitioner

Versus

Baljinder Kaur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nitin Sachdeva, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to the order dated 07.10.2021 passed by the Additional Principal Judge, Family Courts, Ludhiana (for short – the Trial Court) through which for non-payment of costs of Rs.500/- the petitioner's defence has ordered to be struck off.

Learned counsel for the petitioner contends that on account of certain miscommunication between his counsel appearing for him before the Trial Court, the costs awarded by the Trial Court @ Rs.500/- could not be paid resulting in the passing of the impugned order. He submits that at the threshold of defending the application filed by respondent-wife under Section 125 Cr.P.C. through which she claims maintenance, the petitioner be not precluded from raising his defence as the same would be violative of principles of natural justice.

After considering the above explanation given by learned counsel for the petitioner and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising his defence at the threshold of the litigation that he faces, subject to payment of

Rs.5000/- as costs to be paid by the petitioner to respondent No.1, after setting aside the impugned order, the Trial Court is directed to grant to the petitioner 02 effective opportunities to produce his entire evidence.

The Trial Court shall ensure that the awarded costs ordered to be paid by the petitioner to respondent No.1 are transferred to her bank account.

The petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

June 02, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No