

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

CRM-M-31659-2022

Date of decision : 22.07.2022

Sushila Rani

.....Petitioner

versus

Vinod Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 12th October, 2021 wherein her evidence in the petition filed under Section 125 Cr.P.C. was closed by order by the learned trial Court.

Learned counsel for the petitioner submits that respondent-husband is a government employee and petitioner wants to bring on record the salary certificate of the husband. He has submitted that the petitioner is a poor woman having no source of income and due to her ill-health, she was not in a position to appear before the Court for leading the evidence. He has submitted that the petitioner has two years old child as well and because of her poor financial condition, she has filed the present petition for grant of maintenance. He submits that learned Family Court has not taken into consideration the facts and circumstances of the case, due to which, she could not pay the costs earlier imposed upon her. He undertakes to lead the evidence and prays for one opportunity for completing her evidence.

Heard.

Apparently, the petition filed by the petitioner is under Section 125 Cr.P.C. for the grant of maintenance. The Court cannot be oblivious of the fact that the provisions of Section 125 Cr.P.C are for preventing the destitution and vagrancy. The proceedings are summary in nature. It is primarily for the survival of the destitute wife. Though the petitioner could not pay the earlier costs but in the facts and circumstances, this Court in the interest of justice is inclined to grant her one opportunity for concluding her evidence.

In view of the peculiar facts and circumstances of the case, the Court decides the present petition without issuing notice of motion to the other side as resorting to that process will further delay the proceedings. So the petition is allowed. The impugned order dated 12.10.2021 is quashed. The Family Court is requested to give one effective opportunity to the petitioner to conclude her entire evidence.

(**RAJESH BHARDWAJ**)
JUDGE

22.07.2022
m. sharma

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