

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

CRM-M-35176-2022

Date of decision :09.08.2022

Pardeep Singh

..... Petitioner

Versus

Kirandeep Kaur

..... Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Naveen Sharma , Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has preferred the instant petition under Section 482 Cr.P.C., for setting asidequashing the order dated 28.07.2022 vide which petitioner/respondent's evidence has been closed by the Ld. Court of Ms. Ekta Sahota, SDJM, Payal, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is a labourer and a poor person and it is on account of the on going pandemic he could not lead his evidence. He candidly submits that though there may be some fault on his part on some occasions, however, he would suffer irreparable loss and injury if he is not allowed to lead his evidence and in the interest of justice he may be granted only one opportunity. He further submits that he would clear the entire arrears of the maintenance which as per submissions is about Rs.25000/-.

After hearing the learned counsel for the petitioner and perusing the record it is apparent that respondent-wife had filed the present petition for the maintenance in 2018, thereafter the case remained pending for adjudication and on some occasions, the petitioner did not appear, however, this period was also adversely affected by the pandemic. The Court do not find it appropriate to issue notice to the respondent-wife who is already contesting her claim petition filed for the maintenance. However, as the petitioner has given undertaking that before availing an opportunity he would clear the entire arrears of maintenance i.e. Rs.25000/-.

This Court find his prayer to be genuine and the trial Court is directed to grant one effective opportunity as per its convenience to the petitioner for leading his evidence. The Court would ensure that before granting the opportunity the petitioner, the compliance of the undertaking given to this court of paying Rs.25000/- to the wife.

Needless to say, in case, the petitioner do not comply with the undertaking this order would be of no avail to him.

In view of the above, the impugned order is quashed and the present petition is allowed in the above mentioned terms.

(**RAJESH BHARDWAJ**)
JUDGE

09.08.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No