

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

(111)

CRR(F)-735-2022 (O&M)

Date of decision: 26.08.2022

Mukesh Kumar

...Petitioner

Versus

Smt. Laxmi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tushar Gautam, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

CRM-31057-2022

Application is allowed.

Leave is granted.

CRR(F)-735-2022 (O&M)

Instant Criminal Revision petition has been filed impugning ex parte order dated 15.10.2019 passed by the Family Court, Palwal, whereby, on a petition filed under Section 125 of the Code of Criminal Procedure, 1973 (for short “the Code”), an award of monthly maintenance allowance of Rs.4500/- (Rs.3000/- per month in favour of wife-respondent No.1 and Rs.1500/- per month in favour of child-respondent No.2) has been passed in favour of the respondents.

Heard counsel for the petitioner.

Petitioner has not disputed the matrimony with respondent No.1, nor the paternity of the child, respondent No.2. Rather, after having being served by the Family Court in the proceedings initiated

by the respondents under Section 125 of the Code and after having sought repeated adjournments, petitioner stopped appearing and was proceeded ex parte. The respondents led ex parte evidence and on basis thereof, the Family Court has passed the order impugned herein. Not only this, the petitioner failed to make the payment of the awarded amount forcing the respondents to file an execution petition, Annexure P-1, wherein again, vide order dated 25.02.2020, the petitioner has been proceeded against ex parte. It is only, when a conditional warrant of arrest has been issued against him vide orders dated 22.03.2022 and 07.06.2022, Annexures P-2 and P-3, respectively, that the petitioner has challenged the order fixing maintenance. The callous and uncaring attitude of the petitioner towards his immediate family is writ large. Present petition has been filed by him with a delay of 232 days on the flimsy ground that he was not aware of pendency of the proceedings before the Family Court.

Family Court has awarded maintenance, which works out to a bare Rs.150/- per day, which is not even enough for the claimant-respondents to have two square meals a day. Considering the attitude of the petitioner and the meager amount awarded, this Court is not inclined to interfere with order passed by the Family Court.

Petition as well as application seeking condonation of delay, being bereft of merit, are ordered to be dismissed.

26.08.2022
Pardeep

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes
Whether Reportable	Yes