

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

CRR(F)-825-2022

Date of decision : 13.09.2022

Anita and another

.....Petitioners

versus

Ravinder Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ajit Sihag, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Petitioners have approached this Court impugning the order dated 28th July, 2022 wherein the Family Court has dismissed the petition for non-prosecution filed by the petitioner-wife and the minor.

Learned counsel for the petitioners has submitted that the petitioner-wife has no source of income and she is totally dependent upon the income of the parents with whom she is living at present. He submits that petitioner No.1 has the responsibility to bring up the minor child i.e. petitioner No.2 as well. He has submitted that she was appearing before the Court on all the dates however, as her counsel did not appear on one date, her petition was dismissed for non-prosecution which is totally unsustainable in the eyes of law. He has submitted that the view taken by Learned Family Court is too harsh and the petition deserves to be restored to its original number and be decided on merits.

After hearing counsel for the petitioners and perusing the record of this case, the Court is of the opinion that the petitioner-wife and the minor both had approached the Family Court for grant of maintenance which is basically for the survival of both and the same

cannot be denied until proved otherwise. In the interest of justice, the Court finds that the impugned order deserves to be *set aside* and the petition is liable to be restored to its original number to be decided on merits.

In view of the facts and circumstances of the case, the Court does not find it appropriate to issue notice at this stage. Resultantly, the impugned order dated 28.07.2022 passed by learned Additional Principal Juge, Family Court, Hisar is *set aside*. Learned Family Court is directed to restore the petition to its original number and decide the same on merits at the earliest in accordance with law.

Petition stands disposed of accordingly.

13.09.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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