

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

Sr. No.120

CRR(F)-839-2022

Date of decision: 15.09.2022

Jyoti Sharma

....Petitioner

Versus

Rajat Bhardwaj

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 401 Cr.P.C., the petitioner seeks setting aside of order dated 08.08.2022 passed by the Principal Judge, Family Court, Faridabad through which an application filed by the petitioner under Section 125 Cr.P.C. has been dismissed because even after grant of several opportunities the petitioner had failed to deposit with the Registry of the Trial Court a copy of the petition as also postal charges.

Learned counsel for the petitioner submits that a copy of the petition/postal charges could not deposited by the petitioner inter-alia due to the outbreak of the pandemic Covid-19; miscommunication between the petitioner and her counsel appearing for her before the Trial Court and due to fact that she was all alone with no help.

Learned counsel for the petitioner further submits that the petitioner is a hapless lady who has been thrown out of her matrimonial home and is virtually living hand to mouth. Therefore, she be permitted to

contest the application filed by her under Section 125 Cr.P.C. through which she seeks maintenance to survive.

After going through the record of the case, this Court does find delay on the part of the petitioner in the deposit in the Registry of the Trial Court of a copy of the petition/postal charges. However, the proceedings in question pertain to a hapless lady through which she is praying for the grant of maintenance to survive and that through the present petition all that the petitioner seeks is a decision on merits in the afore proceedings initiated by her.

In the light of the above peculiar facts, this Court, by taking a lenient view in the matter, orders setting aside of the impugned order with a further direction to the Trial Court to proceed with the application filed by the petitioner, in accordance with law.

The petition is allowed in the above terms.

If the respondent is aggrieved by this order, he is at liberty to approach this Court by filing an appropriate application.

September 15, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No