

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

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CRM-M-2511-2023**Date of Decision : 17.01.2023****Sahil Gupta**

..... Petitioner

V/S

Radha and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

AMARJOT BHATTI J. (ORAL)

The petitioner-Sahil Gupta has filed the instant petition under Section 482 of Cr.P.C. for quashing of order dated 06.08.2022 passed by learned Additional Principal Judge, Family Court, Ludhiana in which the defence of the petitioner has been struck off in proceedings under Section 125 Cr.P.C. with the prayer that while accepting the present petition he may be permitted to file his written statement and further allow him to contest the proceedings pending before the said court.

Learned counsel for the petitioner admitted that various litigations are pending between husband and wife. There was no reason for the petitioner for not attending the proceedings pending before the learned Additional Principal Judge, Family Court, Ludhiana. It is admitted that the trial Court had given number of opportunities to file written statement, however, it was not filed by his counsel. Learned counsel for the petitioner admitted the laps on the part of the petitioner for not properly contesting the petition. He further prayed that he is ready to abide by the terms and conditions imposed by this court. He may be given one opportunity to file

his written statement and to contest the petition under Section 125 Cr.P.C. pending before the said court.

I have considered the arguments and have gone through the record carefully. It is clear from the documents placed on record that various cases are pending between Sahil Gupta and Radha. Sahil Gupta has filed a divorce petition, whereas Radha and her minor child has filed present petition under Section 125 Cr.P.C. claiming maintenance from Sahil Gupta. There is copy of zimni order dated 06.08.2022, vide which the defence of the respondent was struck off and the case was fixed for petitioner's evidence for 06.09.2022. It is pointed out that the case is still pending for petitioner evidence. It is always in the interest of justice that the case is decided on merits after giving opportunity to both the parties to put forward their claim before the court. The counsel for the petitioner has admitted the laps on the part of petitioner as well as his counsel representing his case before the learned Additional Principal Judge, Family Court, Ludhiana. No purpose would be served by giving notice to the respondent which will further prolong the litigation. The respondent can be compensated by imposing cost. Therefore, taking a lenient view, the impugned order dated 06.08.2022 is set aside subject to payment of cost of Rs.15,000/- payable to the respondent Radha and only one effective opportunity be given to the petitioner to file written reply and to contest the petition.

Accordingly, the present petition stands disposed of.

(AMARJOT BHATTI)
JUDGE

17.01.2023

Sunil Devi

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