

In the High Court of Punjab and Haryana at Chandigarh

111

2023:PHHC:060766

CRR(F)- 347 of 2023 (O&M)

Date of Decision: 28.04.2023

Mukesh @ Mukesh Bajaj

---Petitioner

versus

Savita Bajaj @ Savita Malik and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Gautam Bhardwaj, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-11123 of 2023

The applicant is seeking condonation of delay of 30 days
in filing the instant petition.

In view of averments made in the application and
arguments advanced by counsel for the applicant, the application is
allowed and delay of 30 days in filing the instant petition is condoned.

CRR(F)- 347 of 2023

1. The petitioner through the instant petition is seeking
setting aside of order dated 27.10.2022 whereby the Family Court has
dismissed application of the petitioner under Section 91 Cr.P.C.
2. The brief facts of the case are that the respondents in
terms of Section 125 Cr.P.C. filed application before Family Court

seeking maintenance. The petitioner preferred application under Section 91 Cr.P.C. seeking summoning of a competent officer of Manav Rachna Educational Institution, Suraj Kund Road, Faridabd (for short “MREI”) with respect to job of respondent as Senior Admissions Counselor. The respondent herein had averred before the Family Court that she is unemployed whereas present petitioner claimed that she is working as Senior Admissions Counselor with MREI and getting salary Rs. 40,000/- per month.

The Family Court dismissed application of the petitioner forming an opinion that petitioner is trying to delay the proceedings. The evidence in the case is yet to be led by petitioner and respondents, thus, there is no reason to exercise power conferred by Section 91 Cr.P.C.

3. This Court vide order dated 10.3.2023 requested Director/Principal, MREI to clarify the job profile of Savita Bajaj @ Savita Malik i.e. respondent herein. Report dated 31.3.2023 has been received from MREI. As per the said report, the respondent (Savita Bajaj @ Savita Malik) worked with said institute as Senior Counselor from January 27, 2020 to May 13, 2022. She was getting salary Rs. 38,693/- per month.

4. The Family Court is seized of the matter and has yet to adjudicate the question of interim or final maintenance. The Family Court is requested to look into the certificate issued by the aforesaid

2023:PHHC:060766

CRR(F)- 347 of 2023 (O&M)

-3-

institute before determining interim or final maintenance.

5. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.4.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No