

In the High Court of Punjab and Haryana at Chandigarh

116

CRR(F)-281 of 2020(O&M)

Date of Decision: 17.02.2023

Rajbir

---Petitioner

versus

Palvi

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Pal, Advocate
for the petitioner

Mr. Rakesh Gupta, Advocate
for the respondent

JAGMOHAN BANSAL, J. (ORAL)

Through the instant petition, the petitioner is seeking setting aside of orders dated 27.4.2017 and 23.4.2019 whereby Additional Principal Judge (Family Court), Ambala ordered to proceed ex parte and awarded maintenance of Rs. 4000/- per month to the respondent apart from litigation expenses.

Learned counsel for the petitioner inter alia submits that Family Court has passed impugned order ex parte, thus, there is violation of principles of natural justice. The petitioner deserves to be heard. The petitioner is not avoiding from his responsibility. If the trial court, after considering his stand, finds that he is liable to make payment towards maintenance, he will make payment in future as well

clear all the outstanding dues within six months from the date of passing order by the trial court.

Learned counsel for the respondent submits that adjudication of maintenance by Family Court may be made time bound and it is made clear that petitioner shall clear all the outstanding dues as determined by Family Court within six months without taking plea of his custody which he has already undergone.

I have heard counsel for the parties and perused the record.

In view of statement of both sides and considering the fact that impugned order is ex parte, the present petition is allowed and impugned orders are set aside with the following directions:-

- (i) The Family Court shall decide question of maintenance afresh within three months from the date of appearance of parties, in terms of this order;
- (ii) The petitioner herein shall not seek adjournment on any ground and if he seeks adjournment, the trial court would be free to proceed ex parte or impose costs;
- (iii) The petitioner on re-determination of amount of maintenance shall clear all the outstanding dues within six months without claiming benefit of custody which he has already undergone;
- (iv) The trial court shall consider arguments of both sides without being influenced by order passed by this Court.

At the first instance, the parties are directed to appear before Family Court at Ambala on 02.03.2023 and thereafter as directed by the Family Court.

Pending misc. applications, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No