

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

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CRR(F)- 421-2023 (O&M)

Date of Decision : 22.05.2023

Gourav

..... Petitioner

Versus

Rajni and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through the instant petition is seeking setting aside of order dated 8.1.2019 whereby Principal Judge Family Court, Jind has allowed maintenance of Rs. 6500/- per month i.e. Rs. 5000/- per month to respondent No. 1 (wife) and Rs. 1500/- per month to respondent No. 2-minor son of the petitioner.

2. Learned counsel for the petitioner submits that respondent No.2-minor son since beginning is staying with him, however, respondent No.1 by misrepresenting the facts got *exparte* order of maintenance qua minor son. The respondent has further got *exparte* decree of divorce. On account of non receipt of summons, the petitioner could not contest the matter. The respondent has misled the Court. He is ready to pay Rs.75,000/- towards maintenance by 31.07.2023.

3. Mr. Abhimanyu Batra, Advocate has filed his power of attorney on behalf of the respondents, which is taken on record.

4. Learned counsel for the respondents does not dispute the fact

that minor son is staying with petitioner, thus, no maintenance could be awarded in favour of minor son. He further submits that the petitioner intentionally avoided the proceedings and his only endeavour is to delay the matter. The petitioner has not cleared arrears.

5. I have heard the arguments of learned counsel for the parties and perused the record.
6. It is undisputed fact that the child is staying with the petitioner still maintenance has been awarded on the application of respondent No.1 with whom child is not staying. In view of the fact that the impugned order is an *exparte* order and petitioner is ready to pay a sum of Rs.75,000/- towards maintenance by 31.07.2023, this Court finds it appropriate to set aside the impugned order. Accordingly, impugned order is set aside and parties are directed to appear before the Family Court on 03.07.2023 at the first instance and thereafter as directed by Family Court.
7. It is made clear that the petitioner shall not seek adjournment on any ground and if he seeks adjournment and Court finds that the petitioner is trying to delay the matter, the trial Court would be free to pass *exparte* order. The petitioner as undertaken shall pay a sum of Rs.75,000/- towards maintenance by 31.07.2023 which would be adjusted against final maintenance.
8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>