

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

114

CRR(F)-567-2023

Date of Decision : 18.04.2023

Rakesh Tyagi

..... Petitioner

Versus

Jyoti Tyagi

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Brijesh Kumar, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 401 Cr.P.C. is seeking setting aside of order dated 21.01.2023 whereby Additional Principal Judge, Family Court, Sonipat, has struck off the evidence of the petitioner on the ground of non-payment of litigation expenses.

Learned counsel for the petitioner submits that the Family Court directed the petitioner to pay litigation expenses of Rs.3300/- vide order dated 21.01.2023. The petitioner moved an application under Section 340 Cr.P.C. alleging that the respondent has filed fake documents. The Family Court vide impugned order dated 21.01.2023 has dismissed the application of the petitioner under Section 340 of Cr.P.C. as well as struck off evidence of the petitioner on the ground of non-payment of litigation expenses. In the impugned order, it has been noted that petitioner has denied to pay litigation expenses whereas it seems outcome of communication gap because petitioner was always ready to pay litigation

expenses. The petitioner is ready to pay litigation expenses of Rs.5,000/- instead of Rs.3300/- awarded by the Family Court.

Without commenting upon merits as well as intricacies, however, considering the fact that the petitioner was directed to pay litigation expenses vide order dated 21.01.2023 and the impugned order qua striking off evidence of the petitioner was passed on 21.01.2023, the impugned order to the extent of striking off evidence of petitioner is set aside subject to payment of litigation expenses to the tune of Rs.5,000/- to respondent on or before the date fixed before the Family Court i.e. 27.04.2023.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.04.2023
anju

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