

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 075997

CRR(F)-603 of 2023

Date of Decision: 25.05.2023

Meenu Handa

---Petitioner

versus

Nishant Puri

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Bikramjit Singh Randhawa, Advocate
for Mr. Tarun Sharma, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through the instant petition, is seeking setting aside of order dated 1.2.2023 whereby Principal Judge, Family Court, Guruharsahai has dismissed petition under Section 125 Cr.P.C. of the petitioner on the ground that petitioner has failed to file RC/AD, thus, violated order of the Court.

2. Learned counsel for the petitioner inter alia contends that petitioner had disclosed correct address of the respondent which is evident from the fact that address disclosed by petitioner is same as was disclosed by respondent in his anticipatory bail filed before Sessions Court. The respondent is intentionally evading service and trial court has mechanically dismissed petition of the petitioner.

3. As per office report, respondent has already been served, however, there is no representation of the respondent.

4. On 17.05.2023, the matter was adjourned awaiting

representation of the respondent and even today, there is no representation of the respondent. The Court is left with no other option except to proceed with the able assistance of learned counsel for the petitioner.

5. From the perusal of record and impugned order, it is evident that Family Court has dismissed petition of the petitioner on the sole ground that petitioner has failed to file RC/AD, thus, violated order of the Court. The respondent despite service, is not appearing even before this Court which vindicates stand of the petitioner that respondent is intentionally evading service. Trial court has mechanically dismissed her petition. There is no fault on the part of petitioner and she has disclosed address of the respondent as was disclosed in the anticipatory bail filed by respondent before Sessions Court.

6. In view of the afore-stated facts and circumstances, the impugned order dated 01.02.2023 deserves to be set aside and accordingly set aside. Petition filed by petitioner under Section 125 Cr.P.C. is ordered to be restored to its original number and stage.

7. The petitioner is directed to appear before the Family Court on 07.06.2023 at the first instance and thereafter as directed by Family Court.

8. Disposed of accordingly.

25.05.2023*paramjit***(JAGMOHAN BANSAL)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No