

In the High Court of Punjab and Haryana at Chandigarh

2023:PHHC:045443

110

CRR(F)- 445 of 2016

Date of Decision: 28.03.2023

Arun Dahiya

---Petitioner

versus

Sonia

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jitender Dhanda, Advocate
for the petitioner
Mr. Manoj Tanwar, Advocate
for the respondent

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition under Section 401 Cr.P.C., is seeking setting aside of ex parte order dated 4.11.2016 passed by District and Sessions Judge, District Judge, Family Court, Sonapat whereby maintenance of Rs.20,000/- has been awarded to respondent-wife.

Learned counsel for the petitioner inter alia contends that impugned order is an ex parte order and just, fair and reasonable opportunity was not granted to petitioner to lead his evidence which resulted into passing of impugned order.

On being confronted with proviso to Section 126(2) Cr.P.C. which provides that in case of an ex parte order, if an application is filed within three months, Magistrate may set aside ex parte order, learned counsel for the petitioner submits that the petition may be dismissed as withdrawn with liberty to approach the Family Court.

Dismissed as withdrawn with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

28.03.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No