

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

157

CRM-M-53926-2023 (O&M)

Date of decision:- 20.10.2023

PRAMOD KUMAR NAYAK

... Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Himanshu Joshi, Advocate for the petitioner.

Manisha Batra, J. (Oral)

The present petition has been filed under Section 482 of Cr.P.C. for staying the operation of judgment dated 26.04.2022 passed in MNT125/229/2019, titled as ***Smt. Joga Maya Nayak and another Vs. Pramod Kumar Yayak*** as well as proceedings of execution of the abovesaid judgment.

Shorn of unnecessary details, the facts are that respondents No.2 and 3 had filed the aforementioned petition under Section 125 of Cr.P.C. seeking maintenance from the present petitioner. He was proceeded against ex-parte in the said petition and the order was passed directing him to make payment of a sum of Rs. 7,000/- per month. The petitioner had filed the revision petition challenging the order dated 26.04.2022 before this Court as CRR(F)-505-2023 which was dismissed as withdrawn with liberty

CRM-M-53926-2023 (O&M)

-2-

to avail remedy as permissible by law. Thereafter, he moved an application under Section 126(2) of Cr.P.C. for setting aside the judgment dated 26.04.2022. The grievance of the petitioner is that the said application is pending since 18.05.2023 and has not been disposed of by the concerned Family Court, Gurugram. Copies of the relevant orders passed by learned trial Court have been placed on record. It is also revealed that coercive action is being taken against the petitioner in the execution proceedings and even order for sending him to civil imprisonment for non-payment of arrears of maintenance had also been passed previously.

Taking all these circumstances into consideration, a direction is hereby given to the learned Additional Principal Judge, Family Court, Gurugram before whom the application filed by the petitioner is pending, to dispose of the same on or before 15.12.2023, positively.

Petition stands disposed of accordingly.

20.10.2023
pooja saini

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No