

113 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F)-1340-2022 (O&M)

Date of Decision:09.01.2023

RAJBIR

..... Petitioner

*Versus*

KANTA AND OTHERS

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Tanvir Singh Attariwala, Legal Aid Counsel  
for the petitioner.

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**JAGMOHAN BANSAL, J. (Oral)**

The petitioner through instant petition is seeking quashing of *ex parte* order dated 17.08.2019 and 06.10.2021 whereby Principal Judge, Family Court, Hisar has granted maintenance of Rs.5,000/- to the wife and daughters of the petitioner.

Learned counsel for the petitioner would submit that petitioner is a labourer and is not earning from day to day labour work to the extent that he can pay maintenance of Rs.5,000/- per month. The wife of the petitioner is working as maid in different houses, thus, she is earning. The Trial Court has passed *ex parte* order and further wrongly dismissed application of the petitioner seeking recalling of *ex parte* order.

First impugned order was passed on 17.08.2019 and second order was passed on 06.10.2021. There is no plausible explanation for delay of 451 days atleast after 06.10.2021. Application seeking recalling of *ex parte* order was also filed with delay. The Trial Court has awarded a sum of Rs.5,000/- as maintenance to wife and two minor daughters.

Keeping in view, present cost of living; social and legal responsibility of the petitioner to maintain his family and maintenance awarded; this Court does not find that amount of maintenance fixed by court below is on the higher side, thus, the present petition deserves to be dismissed on merits as well delay. Accordingly dismissed.

All the pending applications stand disposed of.

09.01.2023

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( JAGMOHAN BANSAL )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |