

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

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CRR(F)-1256-2022 (O&M)

Date of Decision : 15.05.2023

Manminder Singh

..... Petitioner

Versus

Sudesh Kumari

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.H.S.Sidhu, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner is seeking setting aside of order dated 31.08.2021 whereby Principal Judge, Family Court has granted maintenance of Rs.3,000/- per month to the respondent.

Learned counsel for the petitioner *inter alia* contends that respondent is 70 years old mother of the petitioner. She has solemnised 2nd marriage and at present, she is staying with her 2nd son who is born from 2nd marriage. The petitioner has been proceeded *exparte* and accordingly, maintenance has been awarded to the respondent. The petitioner has responsibility towards his wife and children, thus, it is very difficult to part with Rs.3,000/- per month.

Mr.M.S.Rana, Advocate has filed his power of attorney on behalf of the respondent, which is taken on record.

On being asked, learned counsel for the respondent submits that the respondent has no objection if one opportunity is granted to the petitioner to lead his evidence and address the arguments.

In view of statement of learned counsel for the respondent and considering the fact that the Family Court has passed *exparte* order, the impugned order is hereby set aside and matter is remanded back to the Family Court to pass afresh order after granting opportunity to the petitioner.

The parties at the first instance would appear before the Family Court on 24.05.2023 and thereafter as directed by Family Court.

It is made clear that the petitioner shall never remain absent from the proceedings before the Family Court and shall not seek adjournment on any ground.

(JAGMOHAN BANSAL)
JUDGE

15.05.2023
anju

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