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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-3214-2024 IN/AND
CRR(F)-99-2024 (O&M)
Date of Decision: 24.01.2024

RAJDEEP SINGH

.....PETITIONER

Vs.

JASWINDER KAUR

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sahej Mahajan, Advocate,
for the applicant-petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

CRM-3214-2024

1. By this application, the applicant-petitioner seeks condonation of delay of 5 days in filing the accompanying revision petition.
2. For the reasons given in the application, which is duly supported by an affidavit of the applicant-petitioner, the application is allowed and the delay of 5 days in filing the present petition is condoned.

CRR(F)-99-2024

1. The present Criminal Revision Petition has been filed for quashing the order dated 17.10.2023, passed by the learned Additional Principal Judge, Family Court, Ludhiana, wherein the right of the petitioner-husband to cross examine PW-1 (respondent-wife) has been curtailed, on the ground that the interim maintenance in terms of the order dated 17.08.2023 passed by the said Court has not been paid.

2. Counsel for the petitioner *inter alia* contends that the respondent-wife filed a petition under Section 125 Cr.PC. wherein the Family Court granted interim maintenance to the respondent-wife as per the order dated 17.08.2023. The said order was challenged by the petitioner-husband by way of filing CRR(F)-1-2024 before this Court wherein as per order dated 08.01.2024 (Annexure P-2) notice of motion and notice re: stay was issued for 13.05.2024 by this Bench in the aforesaid petition. The petitioner and his family members have made effort for reconciliation and requested the respondent-wife to return back to the matrimonial home. Even a petition under Section 9 of the Hindu Marriage Act, 1955 has also been filed by the petitioner which is pending before the Family Court, Amritsar. Now the said petition has been transferred to the Family Court, Ludhiana on the basis of a transfer application filed by the respondent-wife. As per the order dated 20.09.2023, the Family Court deferred the cross-examination of PW-1 (respondent-wife) subject to the condition that 50% of the amount outstanding till date be paid on the next date. On the next date of hearing, the Bar had suspended the work and the matter was adjourned to 17.10.2023. However, on 17.10.2023 the Family Court did not permit the petitioner to conduct the cross-examination on the ground that the arrears of entire maintenance have not been cleared.

3. After arguing for some time, a short prayer has been made that the petitioner may be permitted to conduct the cross-examination of the witnesses and he will deposit 50% of the arrears of first instance.

4. In view of an innocuous prayer made by the petitioner and in order to avoid the further delay, issuance of notice of motion is dispensed with.
5. Keeping in view the above, the present petition is allowed subject to the petitioner depositing 50% of the arrears of maintenance on the next date of hearing fixed by the Family Court and thereafter, he would continue paying the interim maintenance and clear the arrears within a period of 04 months thereafter.
6. The Family Court would permit the petitioner to conduct the cross-examine of the witnesses examined on behalf of the respondent-wife. The impugned order dated 17.10.2023 passed by the learned Additional Principal Judge, Family Court, is set aside subject to the aforesaid conditions.
7. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 24, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking
Whether reportable

Yes
No