

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

114

CRR(F)-120-2024**Date of Decision:** January 25, 2024**Parneet Kaur @ Parneet Kaur Chahal****.....Petitioner(s)**

Vs.

Sarabjit Singh**.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner(s).

SUDEEPTI SHARMA J. (ORAL)

The petitioner in the present petition has impugned, the order dated 15.11.2023 passed by Ld. Family Court, Gurdaspur (Camp Court at Batala) vide which application filed by the minor petitioner for restoration of application to restore the petition filed under Section 125 Cr.P.C., has been dismissed.

2. Learned counsel for the petitioner *inter alia* contends that there was communication gap between the petitioner and their counsel, who was to appear on behalf of the petitioners before the trial Court due to which petitioners could not appear before the Court on the dates fixed in person or through their counsel and consequently, the application for restoration of petition under Section 125 Cr.P.C. was dismissed in default.

3. I have heard learned counsel for the petitioner and perused the impugned order as well.

4. After perusing the impugned order, this Court is of the considered view that Ld. Court below in paras No. 4 and 5 has summoned

the record wherein only for two dates i.e. 19.04.2023 and 17.05.2023, the case was adjourned as none had appeared on behalf of the petitioner. Only after observing this, Ld. Court below dismissed the application for restoration moved by the petitioner.

5. Though it was submitted that the counsel did not inform the petitioner about the next date of hearing, this fact was not considered by Ld. Court below. A perusal of the impugned order shows that Ld. Court below has not followed the principles of natural justice and one opportunity of being heard should have been granted to the petitioner. Further it was particularly submitted that the petitioner could not appear as she was not being informed by her counsel, the application should not have been dismissed.

6. In view of the above, the impugned order dated 15.11.2023 passed by Ld. Family Court, Gurdaspur, is set aside and the present petition is allowed.

7. The petition bearing No. MNT125-55-2020 (Annexure P-3) is restored to its original number.

8. Petitioner is directed to appear before the trial Court on 15.02.2024.

9. All pending applications, if any, stand disposed of.

January 25, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned: Speaking
Whether reportable: Yes / No