

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-135-2024 (O&M)
Date of Decision : 31.01.2024

KavitaPetitioner

VERSUS

State of Haryana & AnotherRespondents

CORAM : HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Arjun Atri, Advocate for the petitioner.

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SUDEEPTI SHARMA, J. (Oral)

CRM-4310-2024

1. This is an application for condonation of delay of 90 days in filing the present revision petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 90 days in filing the present revision petition is condoned.

CRR(F)-135-2024

1. In the present petition, the petitioner has impugned the order dated 01.08.2023 vide which the application for restoration of the petition under Section 125 CrPC was dismissed by the Additional Principal Judge, Family Court, Faridabad.
2. Learned counsel for the petitioner contends that the application was dismissed on the ground that the previous application was withdrawn by the petitioner on the ground that the matrimonial dispute was amicably settled and the parties have undertaken to live under one roof as husband and

wife and even they are ready to discharge their matrimonial obligations. Learned counsel further contends that after this statement she was deserted. Thereafter she filed an application for restoration application, which was dismissed.

3. I have heard learned counsel for the petitioner and perused the whole record of this Case.

4. The order dated 04.03.2021, vide which the petitioner withdrew the application, is reproduced as under:-

“ The parties have settled their matrimonial dispute amicably and have undertaken to live under one roof as man and wife, ever ready to discharge their respective matrimonial obligations. The statements of the parties have been recorded to that effect. The petition is consequently dismissed as withdrawn. Parties shall be bound by their statements. After due compliance, file be consigned to records.”

5. In the application for restoration, she stated that while withdrawing the application liberty was granted to her that in case terms and conditions of the compromise are not fulfilled, she can get the application restored. It was further stated in the application that because respondent and his mother harassed her and thrown her out of the matrimonial house on 30.07.2021, therefore she moved an application for restoration. The relevant portion of the impugned order dated 01.08.2023, is reproduced as under:-

“ On perusal of the statement given by the applicant/Kavita it reveals that she had joined the company of the respondent due to compromise between them. Although she has made her statement before the Court that she may be allowed to get the petition restored if she would again turned out of the matrimonial house. However, at the same time there is no such mention in the order dated 04.03.2021 passed by the learned Predecessor Court. Petition has been dismissed as withdrawn with the direction to the parties to bound with their own statement. No such liberty has been given to the petitioner to get restored the petition if in case the matter would not be settled in future. Hence in these circumstances the petition cannot be restored. However, petitioner is at liberty to file the fresh petition under Section 125 Cr.P.C against the respondent for getting maintenance. Application is accordingly disposed off. File be consigned to the record room.”

6. A perusal of the impugned order as well as the order which was passed by the Court below while allowing the withdrawal of the application shows that no liberty was granted to the petitioner to get restored the petition, if in case the matter would not be settled in future. However, vide impugned order though the petition was not restored but liberty is granted to file a petition under Section 125 Cr.P.C.

7. In view of the above, this Court does not find any infirmity in the impugned order dated 01.08.2023. The present petition is accordingly dismissed.

8. Pending applications, if any, also stand disposed off.

January 31, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No