

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

125

CRM-M-5882-2024 (O&M)

Date of decision: 05.02.2024

Meghna Gupta

...Petitioner

Versus

Tushar Gupta

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ajay Shekhawat, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. by the petitioner seeking issuance of direction to the Family Court, District Panipat for deciding the interim maintenance application filed in the petition under Section 125 of Cr.P.C., bearing No. CIS-MNT 440 of 2021, titled as ***Meghna Gupta vs. Tushar Gupta.***
2. Learned counsel for the petitioner submits that the petitioner was married to respondent on 21.04.2019. However, she was subjected to harassment and cruelty by his husband and his family members on account of demand of dowry and was turned out of her matrimonial house on 10.06.2021. Consequently, the petitioner has got registered an FIR bearing No. 119 dated 09.07.2021, under Sections 498-A, 506 and 34 of IPC at Police Station Women, Panipat. She has also filed a petition under Section 125 Cr.P.C. on 09.11.2021 along with an application for grant of interim maintenance but the Family Court, despite adjourning the case on several occasion, is not deciding the same. Even the application for interim

maintenance has not been decided so far and now the case is fixed for 06.03.2024 for deciding the application for interim application. Therefore, it is argued that a direction may be issued to the Family Court for deciding the case expeditiously.

3. I have heard learned counsel for the petitioner and have also perused the material placed on record.

4. The aforesaid petition was filed by the petitioner under Section 125 Cr.P.C. on 09.11.2021. Along with the same, an application for grant of interim maintenance was also filed. On 05.01.2022, the respondent had appeared and an opportunity was granted to him to file reply to the said application as well as for filing written statement to the main petition. The same had been filed by the respondent after availing some opportunities only on 27.09.2022 and thereafter, the matter was adjourned to 13.12.2022 for hearing arguments on application for grant of interim maintenance. Ever since then, the concerned Court is adjourning the matter for consideration on the interim maintenance application by granting several opportunities without explaining in the zimini orders as to which party was seeking adjournments in the said application. On 06.12.2023, the matter was again adjourned to 06.03.2024 for hearing arguments. This shows the lackadaisical attitude of the concerned Court as the application for grant of interim maintenance could be decided on the very first date when reply was filed. The petitioner has been made to suffer for a period of more than two years for the purpose of seeking a relief, which could have been granted to her at the very outset.

5. In view of the above, the present petition is disposed of with a direction to the Family Court, Panipat to hear the arguments on the

application for interim maintenance on the next date fixed before it i.e. 06.03.2024 and to decide the same within four days thereof. Direction is further given to send a report, regarding disposal of this application, to this Court immediately thereof along with the reasons as to why the interim maintenance application was kept pending for a period of over two years.

6. The Registry, on receipt of the report from the Principal Judge, Family Court, Panipat, shall put up the same before this Court in *Katcha Peshi*.

05.20.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

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