

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

123

Criminal Revision (F) No.179 of 2024

Date of decision :-06.02.2024

Ankur Sharma

.....Petitioner

Versus

Pooja Sharma

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Tamana Sharma, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 02.1.2024 passed by the Additional Principal Judge, Family Court, Ludhiana in petition filed under Section 125 Cr.P.C., titled as 'Pooja Sharma vs. Ankur Sharma'.

Perusal of the record reveals that vide impugned order dated 02.1.2024, despite granting two effective opportunities, the respondent (petitioner herein) had failed to file the reply. As such, his defence was struck off by the learned Family Court.

Learned counsel for the petitioner/husband *inter alia* submits the petitioner was married to the respondent on 20.6.2010 and no child was born out of the said wedlock. She further submits that the parties were divorced under Section 13-B of Hindu Marriage Act on 07.2.2015 (Annexure P-1); and compromise was entered into between the parties on 09.12.2020 (Annexure P-2). It is submitted

that thereafter, in violation of the terms of the compromise, the respondent has filed the petition under Section 125 Cr.P.C. on 05.7.2023 (Annexure P-4). It is submitted that the petitioner has already given one house of 50 square yards, Rs.5,30,000/-, one gold chain, two gold rings and everything else demanded by the respondent and now the petitioner has been rendered insolvent. The possession notice of house of the petitioner is Annexure P-3 dated 27.7.2023.

Learned counsel for the petitioner prays that accordingly the petitioner is very disturbed mentally, and one effective opportunity be granted to him to file reply before the learned Family Court in the petition filed under Section 125 Cr.P.C.

In view of the above, the concerned learned Family Court, Ludhiana is directed to grant one effective opportunity to the petitioner to file the reply.

Disposed of.

Pending application(s), if any, stands disposed of.

February 06, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No