

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

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**Criminal Revision (F) No.248 of 2024
Date of decision :-01.04.2024**

Ricky**.....Petitioner****Versus****Kajal****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Nikhil Mittal, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition is for setting aside the impugned order dated 21.12.2023 passed by the learned Family Court, Yamuna Nagar at Jagadhri, whereby in a petition filed under Section 125 Cr.P.C. by the respondent herein, the application moved by the petitioner herein for setting aside the order dated 28.2.2023 whereby he was proceeded against ex-parte, has been dismissed.

2. Perusal of the record reveals that the petitioner/husband was proceeded against ex-parte vide order dated 28.2.2023. He challenged the said order by filing an application only on 08.12.2023, i.e., almost ten months thereafter. Learned Family Court, Yamuna Nagar at Jagadhri dismissed the said application on the ground that the petitioner-Ricky intentionally delayed the proceedings by not filing written statement/reply despite availing 8/9 effective opportunities. It was further noticed that after

28.2.2023, the petitioner had put in appearance in two more pending cases (one under the DV Act; and the other in State case), but had failed to appear in the present case.

3. At the very outset, learned counsel submits that the impugned order dated 21.12.2023 be set aside and one effective opportunity may be granted to the petitioner to file written statement in the aforementioned petition under Section 125 Cr.P.C., as grave injustice will be caused to him if he is not permitted to do so.

4. After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will only cause further delay in disposal of the case. Accordingly, in the interest of justice, as also keeping in view the above facts as canvassed by Id. Counsel for the petitioner, this petition is allowed and impugned order dated 21.12.2023 passed by the Principal Judge, Family Court, Yamuna Nagar at Jagadhri, is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to file the written statement/reply, however subject to payment of Rs.10,000/- as costs to the respondent herein.

5. Disposed of.

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

April 01, 2024

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No