



CRR(F)-267-2020 (O&M) -1-

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-267-2020 (O&M)
Date of Decision: 20.05.2024

JAGJIT SINGH

.....PETITIONER

Vs.

RAJWINDER KAUR AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Rajesh Gupta, Advocate,
for the petitioner.

Ms. Sonia Sharma, Advocate,
for the respondents.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present Criminal Revision Petition has been filed for quashing the order dated 04.12.2019 passed by the learned Additional Principal Judge, Family Court, Ludhiana, granting *ex parte* maintenance @ ₹10,000/- per month to respondent No. 2, w.e.f. 25.01.2018 in a petition under Section 125 Cr.P.C.

2. Learned counsel for the petitioner *inter alia* contends that respondent No. 2 is neither the legitimate nor illegitimate child of the petitioner. Respondent No. 1 is the mother of the child and she was married to Balwant Singh and respondent No. 1 has got registered an FIR against her husband. By misleading the facts, respondent No. 1 had procured the order of grant of maintenance. Learned counsel for the petitioner contends that the petitioner is ready for his DNA examination.



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3. A reply, dated 10.04.2024, has already been filed on behalf of the respondents.
4. I have considered the contentions of learned counsel for the parties.
5. A perusal of the impugned order, dated 04.12.2019, indicates that though the petitioner had received the notice of the petition filed by the respondents and even he has put in appearance on 09.04.2018, however, the petitioner without any plausible reasons absented from the proceedings and he was proceeded against *ex parte*, vide order dated 06.06.2018. Without approaching the Family Court for setting aside the *ex parte* order, the present Criminal Revision Petition has been filed assailing the main order which was passed on 04.12.2018.
6. In view of the aforesaid facts and circumstances, the present petition is disposed of being not maintainable.
7. However, the petitioner would be at liberty to approach the Family Court to file an application for setting aside *ex parte* orders, subject to deposit of ₹50,000/- out of the arrears and subject to the condition that he would continue paying ₹5,000/- month till the application filed by the petitioner for setting aside the *ex parte* order dated 06.06.2018 is disposed of by the Family Court.
8. Pending miscellaneous application (s), if any, shall also stand disposed of.

May 20, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No