

2024:PHHC:011618

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

CRR-1662-2019 (O&M)

Date of Decision : 29.01.2024

Sandeep Kumar and Others

...Petitioners

VERSUS

Rajni Sharma

...Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: None for the petitioners.

Ms. Rashika Bansal, Advocate for

Mr. Dheeraj Mahajan, Advocate for the respondent.

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SUDEEPTI SHARMA, J. (Oral)

1. The petitioners in the present petition have impugned the order dated 23.04.2019, whereby in the appeal filed by the respondent the order dated 09.09.2017 passed by the learned Judicial Magistrate, Ist Class, Gurdaspur was modified and maintenance was enhanced from Rs.4000/- pm to Rs.9000/- pm from the date of filing of the application and the petitioners were directed to pay rent at the rate of Rs.3500/- per month instead of Rs.1500/- pm to the respondent.

2. While issuing notice of motion on 17.07.2019, a co-ordinate Bench of this Court has granted interim relief to the petitioners by staying operation of the impugned order. The same is going on till date in favour of the petitioners.

3. On 20.05.2022, the arguing counsel for the petitioners was not available and petitioner No.1 was directed to clear the outstanding arrears of maintenance before the adjourned date i.e. 31.08.2022. On 31.08.2022,

again arguing counsel was not available as he was busy before some other Court and petitioner No.1 was directed to file an affidavit with regard to his assets and liabilities before the next date of hearing i.e. 09.12.2022. Thereafter, the case was adjourned by order on 09.12.2022, 09.01.2023, 30.01.2023, 19.03.2023 and 15.05.2023. On 17.07.2023, when the case was taken up for hearing, again no one had put in appearance on behalf of the petitioners and the following order was passed:-

“ Office report shows that in compliance of order dated 31.08.2022 passed by this Court, petitioner No.1 has not filed any affidavit.

As per order dated 31.08.2022, petitioner No.1 was directed to file an affidavit with regard to his assets and liabilities in terms of the judgment of the Supreme Court in Rajnesh Vs. Neha and Another (2021) 2 Supreme Court Cases 324.

Since there is no representation on behalf of petitioners, in the interest of justice, adjourned to 19.01.2024.”

4. Since the petitioners are not appearing and are not filing an affidavit as directed by this Court vide order dated 31.08.2022, this Court is left with no other option but to dismiss the present revision petition.

5. In view of the above, the present revision petition is dismissed.

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

January 29, 2024
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(SUDEEPTI SHARMA)
JUDGE

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