



CRM-M-36291-2023 (O&M)

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36291-2023 (O&M)
DATE OF DECISION: 05.11.2024

GAURAV GUPTA

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Petitioner is present in person.
(through video conferencing).

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-35893-2024

Application for placing on record the copies of the orders of the Hon'ble Supreme Court as Annexures A-1 to A-3 with the main petition is allowed, as prayed for. The aforesaid copies of the orders are taken on record as Annexures A-1 to A-3, subject to all just exceptions. Office to tag the same at appropriate place.

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1. The petitioner is aggrieved against the interim order dated 22.05.2023 (Annexure 1) passed by Family Court, Rohtak, whereby recording his absence, the petitioner has been proceeded against *ex parte* and matter was adjourned to 29.08.2023 for arguments in the application for grant of interim maintenance.



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2. Learned counsel for the petitioner *inter alia* contends that the Family Court has granted a very short adjournment while passing the impugned order dated 20.05.2023 and adjourning the matter to 22.05.2024, despite the fact that the petitioner informed that another case is pending before the Court at Delhi on 22.05.2023.

3. The Family Court has passed the following two orders on 20.05.2024:-

*“Present: Sh. Hitesh Saini, proxy counsel for
Sh. N.K. Singhal, counsel for the petitioner.
Respondent in person.*

*Learned proxy counsel for petitioner who
is the present in the Court in other case titled as
“Deepak Vs. Sonam” CIS No. DMC 300/2019 and
“Sonam vs. Deepak” CIS No. MNT 485/2020 stated at
bar that he has noted the next date of hearing of this
case as 22.05.2023. Accordingly, cause list for the
previous date, i.e. 24.04.2023 was checked and it was
found that in the cause list the case has been adjourned
to 22.05.2023.*

*At this stage, the case was being adjourned
to 22.05.2023 in the circumstances referred above.
However, the respondent submitted that another case
between the daughter of the parties and petitioner is
pending before Court at Delhi on 22.05.2023. Learned
proxy counsel for petitioner requested short
adjournment for verification of above said fact from
the his party. Accordingly, the case is adjourned for
some time.”*

*(Rajesh Gupta)
Principal Judge,
Family Court, Rohtak*

Date of the order: 20.05.2023 UID No. HR0179



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*“Present: “Sh. N.K. Singhal, counsel for the petitioner.
Respondent in person.*

Learned counsel for petitioner stated at bar that as per his instructions the next date of hearing in the case at Delhi is not known to his party but proceedings in that case have been stayed by Hon’ble Supreme Court of India. He has placed on record copy of the order dated 15.05.2023 passed by Hon’ble Apex Court in support of his submission. In given circumstances, the case is adjourned to 22.05.2023 for further proceedings.

*(Rajesh Gupta)
Principal Judge,
Family Court, Rohtak*

Date of the order: 20.05.2023 UID No. HR0179”

4. As per the order dated 15.05.2023 (Annexure A-1) passed in a Transfer Petition, titled **Kavita Hooda** vs. **Kumud Gupta** (IA No. 87257-2023), an interim order was passed whereby further proceedings in Mt. Case No. 277 of 2022, titled **Kumud Gupta minor through natural guardian** vs. **Kavita Hooda** pending before the Judge, Family Court (South), Saket Courts, Delhi, were stayed.

5. As per the order dated 09.07.2024 (Annexure A-2), passed in the aforesaid Transfer Petition, now the aforesaid case, i.e. Mt. Case No. 277 of 2022, titled **Kumud Gupta minor through natural guardian** vs. **Kavita Hooda** was transferred to the Court at competent jurisdiction at Rohtak.

6. During the course of submissions, the petitioner who is appearing in person through video conferencing has informed that the

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aforesaid order dated 22.05.2023 has already been set aside by the Family Court, Rohtak in an order passed in April 2024. However, the said order is subject to costs. The petitioner intends to challenge the said order by submitting that the costs has been wrongly imposed.

7. In view of the aforesaid facts and circumstances and the fact that the impugned order dated 22.05.2023 has already been set aside by the Family Court, no cause of action is left.

8. Consequently, the present petition is disposed of accordingly.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

NOVEMBER 05, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No