



113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1218-2024 (O&M)
Date of decision: 14.10.2024

Sunil Kumar

... Petitioner

Vs.

Neetu

... Respondent

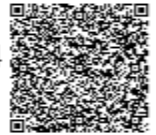
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lalit Mohan Barara, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the order dated 07.05.2024 passed by learned Principal District Judge (Family Court), Hisar, in the proceedings initiated under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), whereby the application seeking setting aside of the order dated 15.01.2024, vide which the petitioner was proceeded against ex-parte, was dismissed.

2. The marriage between the petitioner and the respondent was solemnized on 28.02.2020 according to Hindu rites and rituals and out of this



wedlock, one male child was born on 02.02.2023. However, due to temperamental differences, the matrimonial dispute ensued between the parties. Thereafter, when the petitioner neglected and refused to maintain the respondent, she filed an application seeking maintenance. In that proceedings, learned trial Court granted several opportunities to the petitioner to file his written statement and the affidavit declaring income, assets and liabilities and despite setting aside the ex-parte proceedings vide order dated 03.10.2023, the petitioner chosen not to file the same till 15.01.2024 and on that date, he was again proceeded against ex-parte. Thereafter, the petitioner filed an application seeking setting aside the order dated 15.01.2024, but when the petitioner did not file his written statement and the affidavit declaring his income, assets and liabilities, learned trial Court was left with no other option and vide impugned order dated 07.05.2024, the said application was dismissed. Feeling aggrieved, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner, *inter alia*, contends that learned trial Court has wrongly been passed the impugned order, striking off his defence and thus, prays that in the interest of justice, one last opportunity may be granted to him to file his written statement and the affidavit declaring his income, assets and liabilities.

4. Having heard learned counsel for the petitioner and after



perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

5. A perusal of the record indicates that the proceedings under Section 125 Cr.P.C. were instituted on 11.08.2021 and even after passing of more than 03 years, the petitioner failed to file his written statement and the affidavit declaring his income, assets and liabilities. Learned trial Court has granted sufficient opportunities to the petitioner for the said purpose and in spite of that, the petitioner failed to file the same and ultimately, vide impugned order dated 07.05.2024, learned trial Court has dismissed the application seeking setting aside of the ex-parte order dated 15.01.2024.

6. Pertinently, a two Judge Bench of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha and another, (2021) 2 SCC 324***, while relying upon its judgment rendered in ***Kaushalya Vs. Mukesh Jain, (2020) 17 SCC 822***, has categorically held that the concerned Courts may not grant more than two opportunities for submission of the affidavit of disclosure to be filed by the respondent. If the respondent seeks more than two adjournments for this purpose in order to unnecessarily delay the proceedings, the Court may proceed to strike off the defence of the respondent and thereby, decide the application for maintenance on the basis of the affidavit filed by the applicant and the pleadings on record.

7. Keeping in view the facts and circumstances of the case, this



Court finds no illegality or perversity in the impugned order, therefore, the present revision petition is dismissed.

14.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No