

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

123

CRM-M-49378-2023 (O&M)

Date of decision: 20.03.2024

Anju Bala and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Krishan Kanha, Advocate
for the petitioners.

MANISHA BATRA, J. (Oral)

1. CRM-12969-2024

Allowed as prayed for, subject to all just exceptions.

Copies of the zimini orders are taken on record as
Annexures P-20 to P-24.

2. CRM-M-49378-2023 (O&M)

The present petition has been filed under Section 482 of Cr.P.C.
by the petitioners seeking issuance of direction to the learned Principal
Judge, Family Court, Ludhiana for deciding the maintenance petition
bearing *MNT125-403-2019*, titled as *Anju Bala vs. Iqbal Singh*, filed on
26.07.2018 under Section 125 Cr.P.C. along with applications seeking
execution of order dated 18.10.2019, whereby interim maintenance had been
granted to them.

3. Learned counsel for the petitioners submits that petitioner No. 1
was married to respondent No. 2 on 29.08.2004. However, she was
subjected to harassment and cruelty by her husband and his family members

on account of demand of dowry and was turned out of her matrimonial house along with her minor daughter. The petitioner-wife had filed the aforesaid maintenance petition under Section 125 Cr.P.C. along with an application for grant of interim maintenance in the year 2018 but the Family Court, despite adjourning the case on several occasions, is neither deciding the main case nor the applications for execution of the interim maintenance order. Therefore, it is urged that a direction may be issued to the Family Court for deciding the case expeditiously.

4. I have heard learned counsel for the petitioner and have also perused the material placed on record.

5. The petition under Section 125 Cr.P.C. was filed by the petitioner in the year 2018. Along with the same, an application for grant of interim maintenance was also filed, which stood decided. A perusal of the copies of zimini orders, which have been placed on record as Annexures P-20 to P-24, reveals that the case is being repeatedly adjourned by the Court concerned and the said maintenance petition is still not decided. The ambit and scope of the provision contained in Section 125 Cr.P.C. is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 Cr.P.C. provide a speedy remedy to those women, children and destitute parents who are in distress to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 Cr.P.C. clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation. Therefore, it is expected from the Courts concerned to dispose of such matters expeditiously, which

apparently has not been done in the case in hand.

6. In view of the above, the present petition is disposed of with a direction to the Family Court, Ludhiana to decide the aforementioned maintenance petition expeditiously. So far as the application for execution of the order granting interim maintenance is concerned, no direction is required to be issued in this regard. The Family Court shall also make endeavour to take up the main case as well as the execution applications, filed by the petitioner(s), on the same dates.

20.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>