



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CRM-38648-2024 in/and
CRR(F)-1222-2024
Date of decision:23.09.2024

YOGESH NAGPAL

...Petitioner

Versus

SANTOSH KUMARI ALIAS SIMRAN

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Sheokand, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

CRM-38648-2024

1. In view of the circumstances mentioned in the application for condonation of delay and also keeping in view the fact that the petitioner should be heard on merits, the delay of 108 days in filing the revision petition is condoned.

2. Application stands allowed accordingly.

Main case

1. The petitioner is aggrieved by the order dated 05.03.2024 passed by the Family Court, Bhiwani, whereby the petition filed by the respondent under Section 125 Cr.P.C was allowed and petitioner was directed to pay a sum of Rs.10,000/- per month as maintenance to respondent-wife.

2. Learned counsel for the petitioner contends that the petitioner was contesting the petition filed under Section 125 Cr.P.C before the Family Court,



Bhiwani. The petitioner had filed the reply, however, he could not appear only on one day i.e. 05.03.2024; he was proceeded against *ex parte* on the same day, and even the impugned order was passed on the same day.

3. Learned counsel for the petitioner further contends that the petitioner is ready to clear the arrears of maintenance in terms of the impugned order dated 05.03.2024, however, he may be permitted to contest the petition on merits.

4. In view of the undertaking given by the petitioner, which is very genuine, this Court is of the considered opinion that the petitioner should be heard on merits, as such issuance of notice to respondent is dispensed with in order to avoid delay and multiplicity of litigation.

5. The present petition is disposed of subject to the condition that the petitioner would clear the arrears of the maintenance within a period of three weeks from today.

6. Consequently, the impugned order dated 05.03.2024 is set aside subject to the aforesaid condition.

7. The petitioner shall be heard on merits by the Family Court, Bhiwani and he be offered an opportunity of hearing.

8. However, in case, the aforesaid condition is not complied with then, this order would stand automatically vacated without any further reference to this Court and impugned order dated 05.03.2024 shall stand revived automatically.

9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23.09.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No