

Sr.No.115

2024:PHHC:012548

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

CRR(F)-1457-2023(O&M)

Date of decision:30.01.2024

Budh Singh

.....Petitioner

Versus

Rekha Devi and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Sukhjit Singh, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

CRM-42614-2023

Present application has been filed under Section 5 of Limitation Act read with Section 482 Cr.P.C for condonation of delay of 63 days in filing the present appeal.

Keeping in view the contentions made in the application that petitioner is serving in CRPF, posted at Jammu and Kashmir so could not file the revision petition in time, the application is allowed.

Delay of 63 days in filing the present appeal is condoned subject to just exceptions.

CRR(F)-1457-2023(O&M)

1. Prayer in the present revision petition is for impugning the Order dated 05.05.2023 passed by the Principal Judge, Family Court, Pathankot in complaint in an application filed under Section 125(3) of the Code of Criminal Procedure (for short 'the Code') whereby it has been observed that no payment was made. As such the 1/3rd salary of the petitioner, who is serving in CRPF was

ordered to be deducted every month with a direction to remit the amount in the Court.

2. Learned counsel for the petitioner has brought a demand draft No.811218 dated 02.11.2023 drawn in favour of the respondent for a sum of Rs.50,000/- and contends that the arrears are approximately of Rs. 1,20,000/- and undertakes to clear the pending arrears on or before 03.04.2024 which is the next date fixed before the Family Court.

3. In view of such circumstances, issuance of notice to the respondent is dispensed with. The photocopy of the demand draft is taken on record. Petitioner is directed to submit the demand draft before the Family Court within three days from today which shall be handed over to the respondent. The impugned order dated 05.05.2023 passed by the Family Court is set aside subject to the condition that the said draft is deposited with the Family Court within the stipulated period and the remaining arrears shall clear upto 03.04.2024. In case of non-compliance of the aforesaid conditions, the Family Court is at liberty to proceed as per law.

30th January,2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No