

**CRR(F)-137-2025****1**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR(F)-137-2025**

Date of Decision : 16.05.2025

Reena Yadav

.....Petitioner

Versus

Depender

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. J.S. Rana, Advocate
for the petitionerMr. Manish Boora, Advocate for
Mr. Dharamvir Sharma, Advocate
for the respondent**KIRTI SINGH, J.(Oral)**

1. The present revision petition has been filed against impugned order dated 11.11.2024 passed by learned Family Court, Gurugram, whereby an application seeking restoration of the maintenance petition had been dismissed.
2. Learned counsel for the petitioner submits that pursuant to matrimonial dispute having ensued between the parties, the petitioner filed an petition on 10.08.2023 under Section 125 Cr.P.C. seeking maintenance from the respondent, wherein grant of interim maintenance was sought by way of an application dated 16.05.2024. During the pendency of the said proceedings the matter was settled between the parties, pursuant to which the petitioner withdrew the cases filed by her. However, the respondent did not honour the terms of the settlement arrived at between the parties and did not cooperate in the filing of a petition under Section 13-B for dissolving their marriage by way of mutual



consent, constraining the petitioner to file an application for restoration of the maintenance petition, which was dismissed in a mechanical manner by way of the impugned order. Learned family Court overlooked the factum of violation of the terms of settlement by the respondent and passed a non-speaking order.

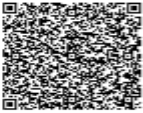
3. I have heard learned counsel for the petitioner and perused the impugned order as well.

4. The impugned order passed by learned family Court is reproduced as under:-

“Office report perused. Original file received and attached. I have perused the original file. The present petition has already been withdrawn by the petitioner vide order dated 8.8.2024. Since the present petition has already been withdraw, there is no point for restoring the present petition. Moreover, the present petition was not withdrawn by the petitioner with permission to file fresh one. Accordingly, application in hand for restoration of petition is not required to be served with any notice to opposite party. The application in hand stands dismissed being devoid of merits. Application be tagged with the main file and consigned to the record room after due compliance.”

5. On a perusal of the impugned order it comes out that the learned family Court did not consider the plea of the petitioner herein qua the purported violation of the terms of settlement arrived at between the parties and dismissed the application for restoration.

6. Vide order dated 05.03.2025 this Court had referred the parties to the Mediation and Conciliation Centre to explore the possibility of amicable settlement, however, as per report dated 07.04.2025, the matter remained a non-starter.



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7. Be that as it may, in the interest of justice, the impugned order is set aside and the matter is remanded back to the Court of the learned Family Court, Gurugram to restore the maintenance petition filed by the petitioner to its original number and decide the matter in accordance with law.
8. The petition stands disposed of.

16.05.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No