



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CRM-M-26477-2025 (O&M)

Date of Decision: 15.05.2025

Sandeep Kumar

...Petitioner

Versus

Sandeep Kumari and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

KIRTI SINGH, J.(Oral)

This petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed for issuance of direction to the learned Family Court to decide the application No.CRM-8/2025 filed on 02.01.2025 (Annexure P-2), by the petitioner for setting aside ex parte order of maintenance in case CIS No.MNT125/551/2022 titled as '*Sandeep Kumari and another vs. Sandeep Kumar*'.

2. Learned counsel for the petitioner inter alia submits that an application seeking interim maintenance was moved by the respondents, which was allowed by proceeding ex-parte against the petitioner, and maintenance to the tune of Rs.30,000/- was granted in favour of respondents, which would increase at a flat rate of 5% per annum, by erroneously assessing the income of the petitioner being Rs.1 lac per month, without there being any evidence to support this finding. Learned counsel submits that no service of notice in the application for maintenance was effected to the petitioner. Rather, it was mentioned in the order that the petitioner herein could not be served for want of the correct address. Even the newspaper by means of which service through publication was effected, is not a widely circulated one. Infact, it was only on 04.12.2024 that the petitioner

became aware of the order so passed against him, and thereafter he engaged a counsel. It is the further submission of the learned counsel that an application for setting aside the ex parte order is pending adjudication, despite which the learned Court, in the execution proceedings filed by the respondent, issued warrants of arrest of the petitioner. In light of these circumstances, it is submitted that appropriate directions be issued to the learned Family Court concerned to decide the application filed by the petitioner for setting aside the ex parte order dated 22.02.2024.

- 3. Heard.
- 4. In view of the limited prayer made, the petition is disposed of with the direction to the learned Family Court concerned to decide the aforementioned application expeditiously, in accordance with law, preferably within a period of three months.
- 5. Pending application(s), if any, shall stands disposed of, accordingly.

(KIRTI SINGH)
JUDGE

15.05.2025

Kapil

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