



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

Sr. No.131

CRR(F)-1058-2025 (O&M)
Date of decision : 24.07.2025

GURDEEP SINGH

..... Petitioner

VERSUS

SUKRIT KAUR @ SILKY

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.S.Behl, Advocate and
Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. Prayer in the present Criminal Revision petition is for setting aside the order dated 11.07.2025 passed by learned Additional Principal Judge, Family Court, Camp Court, at Khanna, Ludhiana, whereby the right of the petitioner has been struck off.

2. The facts in brief are that the respondents had filed a petition under Section 125 Cr.P.C. claiming maintenance allowance with averments that on 27.12.2009, the marriage of respondent was performed with petitioner as per Sikh rites and ceremonies and out of this wed-lock, one female child was born. After marriage, matrimonial disputes ensued between the parties which led to irretrievable break down of marriage. Thereafter, the respondent filed petition under Section 125 of Cr.P.C. for granting of maintenance, wherein an amount of Rs.15,000/- per month was directed to be paid by the petitioner to the respondent. During the pendency of the said petition, the learned Family Court directed the petitioner to clear 75% of arrears of maintenance that he was supposed to pay to the petitioner under various legislations. Vide impugned order dated 11.07.2025, it was recorded that the petitioner herein had failed to deposit the same, and therefore his



testimony by way of examination-in-chief was directed to be not taken into account. However, the opportunity was granted to the petitioner that in case he is able to clear the entire amount (75% of the arrears) till the next date of hearing before the learned Family Court, his right for his cross-examination shall stand revived.

3. Learned counsel for the petitioner submits that the petitioner has been burdened with responsibility of providing maintenance to the respondent under different provisions under various acts. The petitioner was in arrears of Rs.11,40,000/-, out of which he paid Rs.5,40,000/- in the divorce petition for the period of May 2019 to February 2024; Rs.60,000/- in the petition under Section 125 Cr.P.C.; and Rs.2,25,000/- in the petition under the DV Act, out of which Rs.1,25,000/- was the share of the respondent while the remaining was paid in favour of the daughter. In this way the petitioner had already paid Rs.7,12,500/- out of the arrears directed to be paid by him. It is submitted that the petitioner operates a rented E-rickshaw for a living and earns a meager amount of Rs.500/- to Rs.600/- per day. To further substantiate this submission, reference is also made to the judgment dated 25.08.2023 of the Additional Principal Judge, Family Court, Ludhiana, passed under Section 6 of the Hindu Minority and Guardianship Act, whereby custody of the minor daughter was refused to be granted to the petitioner, one of the grounds for which was that 'That the petitioner being father has been disinherited by his father and as per his affidavit Ex.R16, he is running an auto rickshaw and is earning Rs.200/- to Rs.300/- per day. Consequently, he is certainly unable to maintain his minor daughter.' The fact that the petitioner has no permanent residence was also one of the main considerations while passing the said judgment.



Learned counsel for the petitioner submits that the learned Family Court while passing the impugned order overlooked the fact that the petitioner, despite suffering from a severe financial crunch, had paid a substantial amount of the arrears directed to be cleared by him, and due to that reason his rights to duly contest the petition under Section 125 Cr.P.C. were curtailed. Further, only an opportunity of a week was granted to the petitioner vide the impugned order dated 11.07.2025 to revive his right for cross-examination by clearing the remaining amount due till the next date of hearing, which was fixed shortly after, on 18.07.2025. Given the financial capacity of the petitioner, it was nearly impossible for him to do so.

However, it is submitted that in order to show his *bona fide*, petitioner would make earnest efforts to clear 50% of the remaining amount within a period of three weeks, given his limited financial resources. It is therefore prayed that in light of this submission, the petitioner be granted a fair right to duly contest the maintenance petition pending, so that he can bring out the true factual aspect before the Family Court for the proper adjudication of the matter.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The present petition is decided *in limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

5. Undoubtedly, it is the right to plead a defence against any accusation or claim laid against a person is a fundamental principle of jurisprudence. The same being a cherished legal right to a legal remedy as well as a principle of natural justice, ought not to be tinkered with as a matter of routine.



6. Therefore, in the interest of justice and in view of the submissions made by learned counsel for the petitioner, the matter is remanded back to the learned Additional Principal Judge, Family Court, Camp Court, at Khanna, Ludhiana, to grant an extended period of three weeks to the petitioner to pay 50% of the remaining dues of the 75% arrears that he had been directed to clear, subject to the satisfaction of the learned Family Court. In case the petitioner does the needful within the stipulated time frame, his examination-in-chief, which was ordered to be not taken into account, as also the right of the petitioner for his cross-examination shall be revived. It is made clear that in case the petitioner does not pay the said amount within the extended period granted to him, the learned Family Court shall proceed against him in accordance with law.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

24.07.2025
Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No