



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(201)

CRM-M NO.61308-2023(O&M)

DATE OF DECISION: 07.07.2025

Sarvesh Kumar

.....Petitioner

VERSUS

Sonam Kumari

.....Respondent

CORAM HON'BLE MR. JUSTICE NAMIT KUMAR

Present Ms. Jagdeep Kaur, Advocate, and
Mr. Rajat Malhotra, Advocate, for the petitioner.
Mr. S.K.Raghuvanshi, Advocate,
and Mr. Vijay Lath, Advocate, for respondent.

NAMIT KUMAR, J (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C for setting aside order dated 17.10.2023 (Annexure P-1) of case bearing No. MNT/125/164/2022 passed by Dr.Mandeep Mittal, APJFC, Ludhiana, whereby a condition to make payment of 50% of the amount of maintenance awarded under Section 125 Cr.P.C in case titled Sonam v. Sarvesh, is imposed on the petitioner as a pre-condition to set aside exparte order dated 30.11.2022.

2. On 06.12.2023, while issuing notice of motion, the following order was passed:-

“The present petition has been filed by the petitioner under Section 482 of Cr.P.C. making prayer for setting aside the order dated 17.10.2023 passed by the Court of Additional Principal Judge, Family Court, Ludhiana in the maintenance petition No.125/164/2022 titled as Sarvesh Kumar Vs. Sonam Kumari whereby the ex-parte order as passed by the present petitioner in petition had been granting maintenance to the tune of Rs.6,000/- per month by the petitioner was sought to be set aside.

It is submitted by learned counsel for the petitioner that the impugned order dated 17.10.2023 is quite harsh as while allowing the prayer made by him to set aside the ex-parte judgement. The learned Family Court, Ludhiana had imposed condition to make payment of 50 per cent of the amount of maintenance within a period of two months •

Notice of motion for 19.03.2024.

In the meanwhile, the operation of the impugned order shall remain stayed to the extent to which the petitioner was directed to make payment 50 per cent of the amount of maintenance as directed to be paid



vide judgment dated 01.07.2023 which was decided ex-parte as against the petitioner. However, the petitioner shall join the proceedings of the main petition before learned Additional Principal Judge, Family court, Ludhiana. ”

3. Thereafter, on 12.09.2024, the petitioner was directed to pay Rs.25,000/- towards litigation expenses to the respondent by way of demand draft on the next date of hearing I.e on 02.12.2024. Thereafter, again time was sought by learned counsel for the petitioner on 02.12.2024 to seek instructions as to whether Rs.25,000/- as litigation expenses have been paid to the respondent or not and the case was adjourned for 28.02.2025. On 28.02.2025, no one appeared on behalf of the petitioner and the matter was adjourned to today.
4. Counsel for the petitioner pleads no instructions from the petitioner.
5. In this view of the matter, the present petition is dismissed for non prosecution.

07.07.2025
mamta

Whether speaking/reasoned
Whether reportable

(NAMIT KUMAR)
JUDGE

Yes/No
Yes/No