

CRR(F)-1582 of 2024

2025:PHHC:020092



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

CRR(F)-1582 of 2024

Date of decision: 11.02.2025

Gurmail Singh

.....Petitioner

Versus

Rajinder Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Alisha Soni, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred impugning the order dated 06.11.2024, passed by learned Principal Judge, Family Court, Sangrur, vide which the application filed by the petitioner under Section 125(4) Cr.P.C. has been dismissed.

2. The facts leading to the filing of the present revision petition are that petitioner and respondent No.1 married each other on 11.05.1994 and out of said wedlock two children were born, who are major now and living abroad. However, relationship between the petitioner and respondent No.1 turned sour. As a result of which, she filed an application under Section 125 Cr.P.C. seeking maintenance @ Rs.45,000 i.e. Rs.25,000/- per month for herself and Rs.20,000/- to respondent No.2 and Rs.33,000/- as litigation expenses. In pursuance to the notice in the said application, petitioner appeared before the Family Court through his counsel. However, lateron due to his non-



appearance, petitioner was proceeded against *ex parte* vide order dated 13.03.2024. Thereafter, on an application moved by the petitioner, *ex parte* order dated 13.03.2024 was set aside vide order dated 22.05.2024 and the case was adjourned for filing reply to the application filed by respondent No.1 under Section 125 Cr.P.C. However, on 05.06.2024, instead of filing reply to the said application, petitioner moved an application under Section 125(4) Cr.P.C. for dismissal of application moved by respondent No.1 under Section 125 Cr.P.C. The application filed by the petitioner under Section 125(4) Cr.P.C. has been dismissed by learned Principal Judge, Family Court, Sangrur, vide impugned order dated 06.11.2024. Aggrieved by the impugned order, petitioner preferred the instant revision petition.

3. Learned counsel for the petitioner contended that the learned Family Court has erred in dismissing the application filed by the petitioner under Section 125(4) Cr.P.C. as it has failed to appreciate that respondent No.1-wife is living in the house of the petitioner whereas the petitioner is living in a rented accommodation. She further contended that children of the petitioner have already settled abroad and huge amount was spent on their education by the petitioner and respondent No.2 has got married and earning handsome amount and living happily with her husband. She further contended that the Court below has also not taken into consideration that respondent No.1-wife herself left the company of the petitioner and living separately without any reason, therefore, she is not entitled to any maintenance from the petitioner.



4. I have heard learned counsel for the petitioner and perused the record.

5. The relationship of husband and wife between the petitioner and respondent No.1 is not in dispute in the present case. However, due to differences between them, their relations have hit the rough weather. As a result of which, respondents No.1 and 2 filed an application under Section 125 Cr.P.C. seeking maintenance from the petitioner wherein petitioner was proceeded against *ex parte* vide order dated 13.03.2024. The *ex parte* order was set aside on 22.05.2024 and the case was fixed for 05.06.2024 for filing reply by the petitioner to application under Section 125 Cr.P.C. moved by the respondents. However, instead of filing reply to application filed by respondents, petitioner moved an application under Section 125(4) Cr.P.C. for dismissal of the application under Section 125 Cr.P.C. filed by the respondents. The said application has rightly been dismissed by the Family Court as the same was filed only as a delaying tactics to delay the proceedings in the application under Section 125 Cr.P.C and the delaying tactics cannot be rewarded on the pretext of justice. Instead of filing the application under Section 125(4) Cr.P.C., petitioner could have taken all the objections in reply to the application under Section 125 Cr.P.C., for which purpose the case was fixed by the Family Court.

6. This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.



7. Finding no illegality or infirmity in the impugned order, present revision petition is dismissed *in limine*.

11.02.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No