



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

116

**CRR(F)-582-2026****Date of Decision: 17.04.2026****Rxxxx**

...Petitioner

Versus

**Nxxxx**

...Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present:- Mr. Anil Kumar Sharma, Advocate with  
Mr. Vikas Yadav, Advocate  
for the petitioner.

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**KIRTI SINGH, J. (Oral)**

The present revision petition has been filed for setting aside the impugned order dated 20.03.2026, passed by learned Principal Judge, Family Court, Rewari (Camp Court at Bawal), whereby the application under Section 126(2) Cr.P.C. filed by the petitioner for setting aside the exparte orders dated 02.09.2022 (Anexure P-3) and judgment/order dated 27.01.2023 (Annexure P-4) passed by the learned Principal Judge, Family Court, Rewari Camp Court at Bawal, wherein maintenance to the tune of Rs. 15,000/- per month was awarded in favour of the respondent-wife & their son.

2. Shorn of details, the facts of the case are that the marriage of the respondent with the petitioner was solemnized on 08.12.2012 as per Hindu rites and ceremonies, and out of the said wedlock, a male child, namely Gurnav, was born on 27.03.2014. Subsequently, a matrimonial dispute ensued between the parties and the respondent filed a petition under Section 125 Cr.P.C. for seeking maintenance, wherein the petitioner was ordered to be proceeded against exparte vide order dated 02.09.2022.



Subsequently, the maintenance petition was finally decided on 27.01.2023, and the learned Family Court vide order dated 27.01.2023 granted maintenance to the tune of Rs. 15,000/- per month (i.e. Rs.10,000/- towards respondent-wife and Rs.5000/- towards their son). Thereafter, the petitioner filed an application seeking setting aside of the said order dated 27.01.2023, which was dismissed vide the impugned order dated 20.03.2026. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner contends that during the pendency of the maintenance proceedings before the learned Principal Judge, Family Court, Rewari (Camp Court at Bawal), the petitioner, a retired defence personnel was unable to effectively contest the matter due to inadvertent errors in noting the dates, resulting in the passing of ex parte order dated 02.09.2022 and subsequent ex parte judgment dated 27.01.2023. An application for setting aside the said ex parte proceedings was filed with bona fide intentions, the learned Court declined to afford the petitioner an opportunity to contest the matter on merits. It is further submitted that the impugned orders have resulted in grave miscarriage of justice, as the petitioner was deprived of a fair opportunity to lead evidence. It is further contended that he stands divorced from the respondent vide decree dated 26.07.2022 and has since remarried, with additional family responsibilities. It is further submitted that the respondent had voluntarily left the matrimonial home without sufficient cause, and the petitioner has substantial grounds to contest the claim on merits. Thus, in view of these submissions, the respondent is not entitled for any further maintenance amount from the petitioner.

4. The present petition is being decided in *limine* in order to save



litigation cost of the respondent and also to save the judicial time of the Court. Having heard the learned counsel for the petitioner, and after perusing the record, this Court does not find any merit in the submissions so advanced.

5. A perusal of the case in hand reveals that the respondent-wife had preferred a petition under Section 125 Cr.P.C. for seeking maintenance before the learned Family Court, Rewari on 16.12.2019. Notice was issued to the petitioner-husband, who appeared and duly filed his reply. However, the petitioner-husband has been subsequently failed to put in appearance before the learned Family Court, constraining the learned Court to proceed against him *ex parte* vide order dated 02.09.2022. The respondent-wife lead evidence in her favour. After taking into consideration the same, as also the reply filed by the petitioner-husband, the learned Family Court arrived at the conclusion that since the petitioner-husband had admittedly been serving in Indian Navy, and had shown his income as being approximately Rs.39,000/- per month, therefore, he was directed to pay maintenance to the tune of Rs.15,000/- in favour of his wife and son vide order dated 27.01.2023. The petitioner subsequently filed an application seeking the setting aside of the *ex parte* order, which too was subsequently dismissed by the learned Family Court by way of the impugned order dated 20.03.2026. A perusal thereof reveals that all the grounds raised herein had been duly taken into consideration, whereafter, it was observed that despite the petition for maintenance having been filed on 16.12.2019, the matter was remained pending on various pretexts. 02.09.2022 was ordered to be the last opportunity for the respondent to appear, however, he failed to do the needful, leading the Court to declare him *ex parte*. The learned Family Court observed that the contention of wrong date having been noted was a bald



assertion since the husband had not only been represented by his counsel, but was admittedly also receiving regular updates from CIS. Even his father was noted to have attended the proceedings regularly. Inference qua the evasive conduct of the husband was also noted from the fact that even his petition filed under the Guardian and Ward Act was dismissed in default, for the restoration of which too he had taken similar grounds. It was therefore concluded by the learned Family Court that the delay of 255 days in moving the application under Section 126 Cr.P.C. could not be justified by the petitioner-husband, who had even conceded to have not paid any maintenance to his wife and child. Under these circumstances, the said application filed by the petitioner was dismissed by the learned Family Court by passing an elaborate and well-reasoned order. Learned counsel for the petitioner has not been able to point out any illegality, perversity, or material irregularity in the impugned order(s) passed by the learned Court(s) concerned, which would warrant any interference by this Court.

6. Accordingly, the present petition is dismissed being bereft of any merit.
7. Pending miscellaneous application(s), if any, also stands disposed of.

17.04.2026  
Ritika

(KIRTI SINGH)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |