SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/706/2026 Aditya Malik --Applicant **Versus** Shivangi Tomar --Respondent **Hon'ble Alok Mahra, J.** Mr. V.D. Bisen, learned counsel for the applicant. 2. Mr. Pankaj Kumar Sharma, learned counsel for respondent. 3. The present C-528 application has been filed seeking to quash and set aside the orders dated 17.05.2025 and 23.03.2026 passed by the learned Additional Principal Judge, Family Court, Haldwani, District Nainital, in Misc. Criminal Case No. 67 of 2025, arising out of proceedings under Section 144 of the B.N.S.S. and to provide an opportunity to the applicant to participate in the proceedings and contest the matter on merits. 4. Learned counsel for the applicant would submit that the dispute between the parties arises out of matrimonial discord; that, the marriage between the applicant and the respondent was solemnized on 21.04.2024, and, owing to certain matrimonial disputes, the respondent started residing at her

			parental home; that, thereafter, the respondent instituted proceedings under Section 144 of the B.N.S.S. seeking maintenance. He would further submit that the applicant had no knowledge of the pendency of the aforesaid proceedings, as no notice was served upon him, consequently, he could not appear before the court concerned, and the learned court below, vide order dated 17.05.2025, directed that the proceedings be conducted ex parte against him. 5. Learned counsel for the applicant would further submit that, upon acquiring knowledge of the pendency of the aforesaid proceedings, the applicant moved an application seeking recall of the order dated 17.05.2025, however, the said application was dismissed by the learned court below vide order dated 23.03.2026. He would contend that both the impugned orders are unsustainable in law and that the applicant deserves an opportunity to file his objections to the maintenance application and place his defence before the learned court below. 6. Per contra, learned counsel for the respondent would oppose the submissions advanced on behalf of the applicant and support the impugned orders. However, he would submit that the matter is listed before the learned court below on 20.11.2026. 7. Heard learned counsel for the parties and perused the material available on record.

			8. Having considered the submissions advanced by learned counsel for the parties, this Court is of the view that, in the interest of justice, the applicant deserves an opportunity to participate in the proceedings and place his defence before the learned court below. Accordingly, without expressing any opinion on the merits of the claim for maintenance, this Court considers it appropriate to set aside the impugned orders and permit the applicant to contest the proceedings, subject to his appearance before the learned court below on the date fixed. 9. Accordingly, the impugned orders dated 17.05.2025 and 23.03.2026 are hereby set aside. The applicant is directed to appear before the learned court below on the next date fixed, i.e., 20.11.2026, and file his objections to the application under Section 144 of the B.N.S.S. The learned court below shall thereafter proceed with the matter in accordance with law and endeavour to decide the same expeditiously, without granting unnecessary adjournments to either of the parties. 10. With the aforesaid observations and directions, the present C-528 application stands allowed. 11 Pending applications, if any, also stand disposed of. Mamta MA MTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.10.27 11:44:32 +05'30' **(Alok Mahra, J.)** 26.10.2026