



FAO-4626-2024

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

(248)

FAO-4626-2024
Date of Decision:-16.01.2025

Mandeep Kaur Gill and another

.....Appellants

Versus

Arashjot Singh Samagh and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Gurminder Singh Phull, Advocate for the appellants.

Mr. S.S. Brar, Advocate for the respondents.

LISA GILL, J. (Oral)

1. Prayer in this appeal is for setting aside the interlocutory orders dated 06.05.2024 and 29.07.2024 passed by the learned Family Court, Sangrur in an application under Section 340 Cr.P.C. filed by respondent No.2-Shaminder Kaur Samagh.

2. Mr. S.S. Brar, Advocate appears on behalf of respondents and files his power of attorney, which is taken on record subject to just exceptions.

3. Notice of appearance was issued by learned Family Court to the present appellants in the application in question vide impugned order dated 06.05.2024 for 29.07.2024. When it was received back unserved



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fresh notice was issued for 01.10.2024 pursuant to which appellants have rushed to file present appeal instead of appearing before the learned Family Court.

4. Learned counsel for appellants submits that learned Family Court has already observed that from the evidence and pleadings on record, it convincingly emerges that appellant No.1 has immovable property situated at Village Hathan, District Malerkotla, but she did not disclose the same while filing the civil suit for fixation of maintenance, therefore, there are sufficient grounds for proceeding against her under Section 340 of Cr.P.C. read with Section 191/193 of IPC. However, in view of the fact that the proceedings arose out of matrimonial discord, notice was being issued to the appellants before proceeding any further. It is further submitted that matter has been pre-judged by learned Family Court.

5. Learned counsel for appellants submits that this lapse, if any, regarding some property not being mentioned is not intentional and if at all has occurred due to an inadvertent mistake and that appellants should be permitted to file a complete disclosure at this stage. Various arguments have been raised on merits of matter. However we do not deem it appropriate to delve therein at this stage. In the given factual matrix and juncture, all these arguments and submissions are best left to learned Family Court, Sangrur, which would look into the matter and take necessary action, in accordance with law. The matter is stated to be listed before learned Family Court, Sangrur on 18.01.2025. At this stage, it is submitted by learned counsel that appellants be permitted to appear before the learned Family Court, Sangrur through counsel, as they are presently in



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Canada and they may be permitted to join proceedings through mode of video conferencing.

5. Learned counsel for the respondents does not raise any serious objection thereto.

6. Keeping in view the facts and circumstances as above, this appeal is dismissed without any expression of opinion on the merits of the matter with the liberty aforementioned to the appellants.

7. Copy of this order be conveyed to learned Family Court, Sangrur.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

January 16, 2025.

S. Sethi

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No