



CRM-M-38627-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-38627-2025

Date of decision : 22.07.2025

Mukesh Sharma

..... Petitioner

V/S

Beena Sharma

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Tanmoy Gupta, Advocate for petitioner.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Mukesh Sharma filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing/setting aside impugned order dated 03.06.2025 (Annexure P-4) vide which learned Principal Judge, Family Court, Gurugram in maintenance case bearing No.MNT 220 dated 01.07.2024, titled as "Beena Sharma Vs. Mukesh Sharma" refrained petitioner from filing income affidavit as detailed therein (Annexure P-1).

2. Learned counsel for petitioner conceded that respondent had appeared in that case on 03.10.2024 and he was to file his written statement, reply to application for interim maintenance along with affidavit which he failed due to unavoidable circumstances. Next date fixed in this case is 06.10.2025. He is ready with the affidavit of assets and liabilities (Annexure P-5). Therefore, by taking a lenient view, he may be permitted to file his affidavit.

3. No purpose would be served by issuing notice to respondent. All relevant zimini orders are already annexed.

4. I have considered the arguments and have carefully gone through the zimini orders. Present petitioner appeared for the first time on 03.10.2024 and the

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case was adjourned for 06.01.2025. File was taken up on 04.01.2025 as on 06.01.2025, it was declared holiday and the case was adjourned to 25.03.2025. On 25.03.2025 (Annexure P-2), written statement, reply to application for interim maintenance along with affidavit were not filed and cost of Rs.2,000/- was imposed and the case was adjourned for 03.06.2025. On this date, cost was paid and again petitioner/respondent was not ready with the affidavit of assets and liabilities as required in the judgment 'Rajnish vs. Neha'. However, written statement and reply to interim application was filed on that date. Therefore, impugned order dated 03.06.2025 was passed by holding that he was debarred from filing the said affidavit. Now copy of said affidavit regarding assets and liabilities of Mukesh Sharma is annexed as Annexure P-5 which was attested on 13.07.2025. Next date fixed in this case is 06.10.2025.

Therefore, respondent (petitioner-wife in main case) will not suffer any prejudice in case the petitioner (respondent-husband in main case) is permitted to file his affidavit of assets and liabilities (Annexure P-5) on next date of hearing. In fact, the said affidavit will enable learned Family Court, Gurugram to decide the application for interim maintenance in a proper manner. Therefore, taking a lenient view, present petition is allowed. Impugned order dated 03.06.2025 (Annexure P-4) is accordingly set aside and petitioner-Mukesh Sharma (respondent in main case) is directed to file affidavit of his assets and liabilities on next date of hearing subject to cost of Rs.5,000/- to be deposited with High Court Legal Services Committee.

5. Petition is accordingly, disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)
JUDGE**

22.07.2025.*Sunil Devi*

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