



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

111

CRR(F)-1188-2025(O&M)

Date of Decision: 20.08.2025

Anil Kumar

...Petitioner(s)

Versus

Rekha

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Laxman Choudhary, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. The present petition has been preferred against order dated 22.05.2025 passed by learned Principal Judge, Family Court, Hoshiarpur, Camp Court at Mukerian, in an application for setting aside ex parte order dated 21.07.2022, passed in a petition under Section 125 of the Cr.P.C., whereby maintenance of Rs.6,000/- per month was awarded, has been dismissed.

2. The brief facts of the case are that the marriage between the petitioner and respondent was solemnised on 23.08.2017. A matrimonial dispute ensued between the couple and the respondent filed a petition under Section 125 Cr.P.C. for seeking maintenance, wherein the petitioner was proceeded against ex parte. The respondent-wife presented her case and led evidence in her favour and learned court vide order dated 21.07.2022 allowed the petition ex parte and directed the petitioner husband to pay a sum of Rs.6,000/- per month as maintenance. Thereafter, the petitioner filed an application dated 04.04.2024 seeking setting aside of the ex parte order



dated 21.07.2022 which was dismissed vide impugned order dated 22.05.2025. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner contends that the learned Family Court, Hoshiarpur, Camp Court at Mukerian, has wrongly proceeded ex parte against the petitioner husband. The petitioner was not having knowledge of the proceedings under Section 125 Cr.P.C. until conditional warrant was issued against the petitioner in an execution petition. Further, the respondent was married to one Ashwani Kumar in the year 2011 and there is no evidence of their divorce. The petitioner has also filed a petition seeking declaration of the marriage between the petitioner as void which is pending. Thus, in view of these submissions, the respondent is not entitled to any maintenance.

4. Having heard the learned counsel for the parties and after perusing the record with their able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The present petition is decided *in limine* in order to save litigation cost of the respondents and also to save the judicial time of the Court.

5. A perusal of 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, Hoshiarpur, Camp Court at Mukerian on 01.11.2018. Notice was issued to the petitioner-husband which was received back with the report of refusal. Later learned Family Court passed an order to summon the petitioner through Munadi which was duly executed. However, the petitioner did not appear either in person or through advocate and vide order dated 18.07.2019, the petitioner has proceeded ex parte. The respondent wife led evidence in her favour and even got examined PW-3, dealing Assistant, office



of Civil Surgeon, Hoshiarpur, whereafter the learned Family Court arrived at the conclusion of the petitioner earning handsomely while running a medical store and vide order dated 21.07.2022 awarded a maintenance of Rs.6,000/- per month. The petitioner later filed an application seeking setting aside of ex parte order which has been dismissed by learned Family Court after examining concerned Post Master who proved his report of refusal, and the Chowkidar of the village and Process Server, who duly deposed that the Munadi was duly executed. Further a petition under Section 13 HMA was filed by the petitioner which was dismissed for non prosecution, wherein the petitioner had himself provided the same address as has been mentioned in the petition under Section 125 Cr.P.C. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which would warrant interference by this Court. Accordingly, the present petition is dismissed, being bereft of any merit.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

20.08.2025

Kapil

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No