

**ORDERS ON APPLICATION FILED BY THE  
RESPONDENT UNDER SECTION 128 OF  
Cr.P.C**

When the matter is at the stage of petitioner evidence, the respondent has filed this application under section 128 of Cr.P.C., seeking permission to contest the above petition by excusing his absence.

**2.** The above application is on the ground that the respondent could not appear before the Court on the hearing date due to inadvertence and he has good defence to make. On the other hand, the petitioner has filed her statement of objection contenting that section 128 of Cr.P.C., does not allow the respondent to contest the petition after his absence is noted. It is also contented that the respondent has not put forth any ground in support of the application.

**3.** Having heard the arguments addressed by the learned counsels for both side, this Court has perused the entire materials on record.

**4.** This is a petition filed by the petitioner seeking maintenance from the respondent by contending that the respondent who is the husband of petitioner, has willfully neglected to maintain her. This is a petition routed through CDPO, Mudigere, wherein the petitioner has made certain allegations to which the answer of respondent would be necessary for full and final

adjudication of the matter. If the respondent is not permitted to contest the petition, then despite injustice there will be multiplicity of proceedings. Hence, this Court is of view to allow the above application however on costs. Hence, the following;

**ORDER**

Application filed by the respondent under section 128 of Cr.P.C., is hereby allowed on cost of Rs.200/- and accordingly, the respondent is permitted to contest the petition.

For objection to main petition by  
05.03.2025.

Sd/-

**(Vishwanath.A)**  
**Prl. Civil Judge & JMFC,**  
**Mudigere.**