

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 562/2026
CNR: RJHC010333122026 | URN: CRLR / 1222U / 2026

Amar Bajaj S/o Shri Dharamdas Bajaj, Aged About 36 Years, Resident
Of 46 Shyam Colony (Shamshahabad Patti) Kelnia Road Sirsa Haryana
-----Petitioner

Versus

1.

Smt. Tanvi Munjal W/o Amar Bajaj, Aged About 32 Years, D/o Shri Rajneesh Munjal Resident Of 195 G- Block Rear Ramlila Ground Sukhadia Circle Sri Ganganagar Raj.
2.

Shairal D/o Amar Bajaj, Aged About 9 Years, Through Her Natural Guardian Mother Respondent No. 1 Resident Of 195 G Block Rear Ramlila Ground Sukhadia Circle Sri Ganganagar Raj.
- Respondents

For Petitioner(s)

:

Mr. Mahesh Thanvi
Ms. Pragya Thanvi

For Respondent(s)

:

Mr. Kuldeep Sharma

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

28/07/2026

1.

By way of filing the present revision petition, the petitioner has challenged the order dated 24.09.2025 passed by the learned Judge, Family Court No.1, Sri Ganganagar, whereby an application filed by respondent Nos.1 and 2 under Section 125 Cr.P.C. was allowed *ex-parte* and the petitioner was directed to pay maintenance at the rate of ₹10,000/- per month each to respondent Nos.1 and 2, i.e., a total sum of ₹20,000/- per month.
2.

Learned counsel for the petitioner submitted that the impugned *ex-parte* order has been passed without proper service of notice upon the petitioner. It was contended that the learned Family Court proceeded *ex-parte* without ensuring due service and, therefore, the impugned order deserves to be quashed and set aside.

3. Learned counsel further submitted that the petitioner is ready and willing to appear before the learned Family Court and contest the proceedings on merits on such terms as may be imposed by this Court.

4. *Per Contra*, learned counsel for the respondents opposed the revision petition and submitted that the impugned *ex-parte* order has been passed strictly in accordance with law. It was contended that the petitioner has neglected and refused to maintain the respondents without any justifiable reason and has also failed to comply with the maintenance order passed by the learned Family Court. It was further submitted that the allegation regarding non-service of notice is factually incorrect. Learned counsel, therefore, prayed that the impugned order be upheld.

5. Heard learned counsel for the parties.

6. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the impugned order is an *ex-parte* order passed in proceedings under Section 125 Cr.P.C. Section 126(2) Cr.P.C. specifically provides an efficacious remedy to a person against whom an *ex-parte* order has been passed by enabling such person to apply before the same Court for setting aside the *ex-parte* order upon showing good cause for his previous non-appearance.

7. In view of the availability of the aforesaid statutory remedy, this Court is of the opinion that the petitioner should first avail the remedy provided under Section 126(2) Cr.P.C. before invoking the revisional jurisdiction of this Court.

8. Accordingly, the present revision petition is disposed of with liberty to the petitioner to file an appropriate application under

Section 126(2) Cr.P.C. before the learned Family Court within a period of 15 days from today. The petitioner shall, as a condition precedent, deposit a sum of ₹75,000/- before the learned Family Court or deposit a demand draft (DD) in favour of respondent No.1, within the aforesaid period.

9. Upon such deposit being made, the learned Family Court shall release the said amount/handover DD in favour of respondent No.1 in accordance with law, if an appropriate application is moved by her. Thereafter, the learned Family Court shall consider and decide the petitioner's application for setting aside the *ex-parte* order on its own merits, strictly in accordance with law, after affording an opportunity of hearing to both the parties, without being influenced by any observation made in this order.

10. In the event the learned Family Court allows the application under Section 126(2) Cr.P.C., it shall thereafter proceed to decide the application under Section 125 Cr.P.C. afresh after hearing all the parties, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of restoration.

11. It is made clear that if the petitioner fails to deposit the aforesaid amount of ₹75,000/- within the stipulated period of 15 days, the benefit of this order shall automatically stand withdrawn, and the present revision petition shall be deemed to have been dismissed.

12. The stay petition and all pending applications, if any, also stand disposed of.

(KULDEEP MATHUR),J



120/KashishS/-