

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7060 of 2022**

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HETALBEN W/O JIVRAJBHAI MOVER D/O GAGUBHAI LUNA
Versus
STATE OF GUJARAT

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1
MS NILAM N CHAUHAN(6635) for the Applicant(s) No. 1
NOTICE NOT RECD BACK for the Respondent(s) No. 2
MS CHETNA SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 31/01/2024

ORAL ORDER

1. Heard Ms. Nilam Chauhan, learned advocate appearing for HCLS Committee for the applicant.
2. The applicant being wife of private respondent no.2, has challenged the order dated 04.12.2021 passed by learned Family Court, Porbandar whereby the Court has refused to register the maintenance application filed under Section-125 of the Criminal Procedure Code, 1973.
3. The private respondent, though served, did not remain present before this Court.
4. *Prima-facie*, it appears that, the learned Family Court without giving opportunity to the parties to lead evidence on the issue discussed in the order, has refused to register the application. In such circumstances, the order impugned dated

04.12.2021 passed by learned Family Court, Porbandar is not sustainable in law and the same deserves to be set aside.

5. Resultantly, the order dated 04.12.2021 passed by learned Family Court, Porbandar in P.H. No.03 of 2021 is quashed. Registry of Family Court, Porbandar is directed to register the maintenance application and process it in accordance with law.

In view of above, the present application stands disposed of accordingly. It is clarified that this Court has not examined the merits of the case.

(ILESH J. VORA,J)

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