



2026:AHC-LKO:19708

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION No. - 322 of 2026

Sandeep Tiwari

.....Revisionist(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. U.P.
Lko. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rakesh Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 27

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the revisionist, learned AGA for the State respondent no.1 and perused the record.
2. The instant revision, under Section 19(4) of the Family Court Act has been preferred against the orders dated 21/02/2026 passed by the learned First Additional Principal Judge, Family Court, Lakhimpur Kheri, in Case No.473 of 2021 passed on application dated 30/10/2025, whereby an application to set aside the orders dated 04/09/2025 and against order dated 04.09.2025 vide which has been passed to proceed ex parte.
3. Learned counsel for the revisionist submitted that the revisionist is the opposite party in Maintenance Case Number 473 of 2020, which is pending in the court of the First Additional Principal Judge, Family Court, Lakhimpur Kheri. He appeared in the said maintenance case, but the proceedings were taken ex parte against him due to his non-appearance, which was allowed on 22/02/2023. But due to his subsequent absence, ex parte proceedings were again undertaken against him on 28/11/2023. He filed an application for recall of said ex parte proceeding on 05/06/2024, which was dismissed. The revisionist filed a fresh application on 7/12/2024, which was also dismissed, as it was not pressed. Thereafter, he filed an application on 4/9/2025 for setting aside the ex parte order, which had been dismissed by the impugned order, citing his previous conduct.

4. Learned counsel next submitted that the recall application dated 30.10.2025 was filed by the revisionist, wherein a ground had been taken that on 04/09/2025, revisionist could not attend the court proceedings due to sudden illness, nor could he inform his counsel to attend the proceedings. When he approached his counsel to know the status of the order dated 04/09/2025, he was apprised by his counsel that his application was dismissed and the case is fixed for ex parte arguments.

5. Learned counsel prayed on behalf of the revisionist that the indulgence of this Court as prayed for to provide an opportunity to the revisionist to file written statement and participate in the hearing of the case, which is fixed for 09/03/2026. If an ex parte judgement is passed, the revisionist will suffer seriously.

6. Per contra, learned AGA submitted that the conduct of the revisionist as mentioned in the impugned order do not entitle him to any relief.

7. Considering the submissions of the learned counsel for the parties and keeping in view the facts and circumstances of the case, it appears that the case is presently ex parte arguments on 09.03.2026. Although the conduct of the revisionist is objectionable and he failed to appear on various dates due to his default, his recall application was dismissed by the learned trial below. However, this fact cannot be lost sight that in view of being deprived of participation in the proceedings of the case, his interest will be prejudiced and he will be deprived of the opportunity of hearing; therefore, one last opportunity is liable to be given to the revisionist as prayed for by learned counsel.

8. Accordingly, impugned order dated 21.02.2026 and 04.09.2025 are **set aside**.

9. Therefore, it is directed that the revisionist shall appear before the court below immediately and file written statement on or before the date fixed. If he does so, the court below shall accept the written statement and provide the opportunity of hearing. In case he fails to comply with the said direction, the trial court will proceed with the case in accordance with law, as per schedule fixed in the case.

10. The revision stands **disposed of** with above direction.

(Ram Manohar Narayan Mishra,J.)

March 18, 2026
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