

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-23393-2015

Date of decision: October 25, 2016.

Vinay Narula

... **Petitioner**

v.

Ranjana Narula and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri GBS Dhillon, Advocate for the petitioner.

Shri K.S. Sodhi, Advocate for the respondents.

**A.B. Chaudhari**, J. (Oral):

Rule. Heard forthwith with the assistance of Learned Counsel for the parties. Challenge is to the impugned order dated 26.5.2015 on the ground that the petitioner ought to have been given one more chance for filing his reply to the application under Section 127 Cr.P.C. instead of striking off the defence of the petitioner.

Learned Counsel for the petitioner submits that though it is true that four months had been taken by the petitioner for filing reply to the application under Section 127 Cr.P.C. filed by the respondent-wife, the reply could not be filed. He, however, submits that the petitioner should be given a chance to file reply to the application under Section 127 Cr.P.C. as the striking off the defence involves serious consequences. Learned Counsel for the respondent-wife vehemently opposed the application and submitted that the petitioner defaulted in filing reply to the application and as a result

the proceedings have been unnecessarily delayed.

Having heard Learned Counsel for the parties and having perused the impugned order, I find that the petitioner deserves to be given one more chance to file reply to the application since this is first default made by him. It is true that for a period of four months, he had failed to respond but striking off the defence of the litigant involves very serious consequences and the law is well settled that the same should be the last resort, rather than allowing him to go undefended.

In that view of the matter, I think instead of striking off the defence of the petitioner, it would be appropriate to allow him to file reply but then, that should be on payment of some reasonable costs to the respondent.

In that view of the matter, the petition is allowed; the impugned order is quashed and set aside. The petitioner is permitted to file reply to the application within a period of six weeks from today which shall be by way of last chance subject to payment of costs of Rs.2,000/- to the respondent-wife before the trial court, which would be a pre-condition for filing the reply.

Disposed of.

**[ A.B. Chaudhari ]**  
**Judge**

October 25, 2016.  
*kadyan*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No