

**274 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 6803 of 2017

Date of Decision: 12.12.2017

KRISHAN

-PETITIONER

VS

SMT. JYOTI

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navneet Singh, Advocate,
for the petitioner.

Mr. Rajnikant Upadhyay, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 07.09.2017 passed by the District and Sessions Judge, Family Court, Sonapat vide which defence of the petitioner was struck off.

[2]. The case was fixed for payment of litigation expenses as well as for filing written statement. Neither the written statement was filed nor the litigation expenses were paid to the respondent.

[3]. The Family Court, Sonapat proceeded to pass the impugned order on the ground that despite sufficient time having been granted to the petitioner, needful was not done and therefore, the petitioner cannot be heard on merits.

Consequently, the defence of the petitioner was struck off.

[4]. Learned counsel for the petitioner submitted that prior to 12.04.2017, the case was fixed for re-conciliation proceedings between the parties. Thereafter, the case was adjourned to 25.05.2017 for the first time for payment of litigation expenses by the petitioner. The written statement was also to be filed on the said date.

[5]. On 25.05.2017, the Presiding Officer went on leave and therefore, the case was adjourned to 07.09.2017 i.e. the date on which the impugned order came to be passed.

[6]. Learned counsel also submitted that the requisite amount was paid by the petitioner to his counsel but somehow, the same could not be paid to the respondent or deposited in the Court.

[7]. Today, learned counsel for the respondent has appeared and submitted that the petitioner may be given one opportunity subject to payment of adequate costs.

[8]. Having considered the latch on the part of the petitioner, I deem it appropriate to grant one and the last opportunity to the petitioner subject to payment of costs of Rs.15,000/- to be paid to the respondent.

[9]. The trial Court shall fix a date for filing written statement by the petitioner. Payment of costs shall be the

condition precedent for granting indulgence by the trial Court in the aforesaid context.

[10]. Disposed of.

12.12.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No