

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

CRM-M-32595 of 2017(O&M)

Date of Decision: 07.09.2017

Satvir Singh

..... Petitioner

Versus

Ravinder Kaur

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Vishal Mittal, Advocate
for the petitioner.

LISA GILL, J (Oral).

The petitioner is aggrieved of order dated 16.05.2017 (Annexure P-1), passed by the learned trial Court, whereby defence of the petitioner has been struck off for not filing the reply to the petition under Section 125 of the Code of Criminal Procedure, 1973 (for short-Cr.P.C.,) preferred by the respondent-wife within the statutory period of 90 days.

It is submitted that the petitioner is a Sepoy with the Indian Army. He was posted at Leh-Ladakh from December, 2016 till July, 2017. Therefore, the reply could not be filed within the statutory period of 90 days. An irreparable loss shall be caused to the petitioner in case the said order is not set aside. The default has not occurred due to any mistake or negligence on the part of the petitioner, neither has he willfully or intentionally refrained from filing the reply in this case within the stipulated period. It is further submitted that the petitioner be put to terms and one opportunity be afforded for filing the reply to the petition under Section 125 Cr.P.C. The reply, it is stated, is ready with the petitioner. The matter is informed to be

fixed before the learned trial Court on 19.09.2017.

Having heard learned counsel for the petitioner, it is considered just and expedient to dispose of this petition without issuance of notice to the respondent, at this stage, as it would only lead to further delay of the proceedings. Subject to deposit of ₹25,000/- as costs, to be paid to the respondent, one opportunity is afforded to the petitioner to file the written statement on 19.09.2017 itself. Impugned order dated 16.05.2017 is accordingly set aside subject to filing of the written statement/reply on 19.09.2017 itself along with cost in the sum ₹25,000/-. In case, reply along with cost is not filed on 19.09.2017, no further opportunity shall be afforded to the petitioner and order dated 16.05.2017 shall become operative.

Petition is accordingly disposed of.

07.09.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.