

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

**CRM No. M-43834 of 2014
Date of decision: 01.03.2017**

Ranjit Singh and others

...Petitioners

Versus

Manjit Kaur

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anil Kumar Garg, Advocate,
for the petitioners.

Mr. D.S. Gurna, Advocate,
for the respondent.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for setting aside the order dated 24.12.2012 (Annexure P-7) passed by the Judicial Magistrate, 1st Class, Ludhiana, whereby defence of the petitioners has been struck off.

Manjit Kaur-complainant (wife) filed a complaint (Annexure P-4) under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the present petitioners and others. After due notice, present petitioners (respondent Nos.1 to 3 therein) availed a number of opportunities, but could not file their reply. Ultimately, vide impugned order dated 24.12.2012 passed by the trial Court, their defence was struck off. Thereafter, the case was transferred from the Court of Judicial Magistrate Ist Class, Ludhiana to the Court of Sub Divisional Judicial Magistrate, Payal. It was after transfer of the trial, the petitioners had come to know that their defence had been struck off vide order dated 24.12.2012.

As per learned counsel for the petitioners, even the interim

maintenance awarded in favour respondent-wife is being paid by petitioner

No.1-husband regularly.

Learned counsel for the petitioner has informed that in the complaint (Annexure P-4) only the evidence of the complainant has been recorded and rest of the witnesses are yet to be examined.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioners, this Court deem it appropriate to provide some more time to the petitioners to file reply before the trial Court. Moreover, for a fair trial, reply of the petitioners would be essential.

Resultantly, the impugned order dated 24.12.2012 is set aside and the petitioners are permitted to file reply before the trial Court, subject to costs of Rs.10,000/- to be deposited before the District Legal Services Authority, Ludhiana.

Allowed accordingly.

01.03.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No