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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 312/2017**

SRIDEVI SUNKARA

..... Petitioner

Through Dr.Vijendra Mahndiyan and Ms.
Pallavi Awasthi, Advocate.

versus

ANIL KUMAR SUNKARA

..... Respondent

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **20.03.2017**

C.M. No.10804/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 312/2017

Petitioner is aggrieved by the order dated 16.12.2016 vide which the defence of the petitioner had been struck off; her opportunity to file a written statement had been declined. The Court was of the view that several opportunities already having been granted to the petitioner to do needful and the petitioner not having complied with the same, no further opportunity was required to be afforded to the petitioner.

Record shows that it is a matrimonial dispute inter se the husband and wife. Respondent-husband has filed a petition under Section 13(1)(ia) and (13(1)(ib) of the HMA for dissolution of marriage. The parties had been married 26.01.1996 at Tirupati as per Hindu Rites and customs. The petitioner-wife is a resident of Tirupati. The parties have two children who are presently in the

custody of the petitioner-wife. Contention of the petitioner wife is that although admittedly she had been served; on 29.01.2016, the respondent had undertaken to supply a copy of the petition to the petitioner-wife but because of a communication gap between the petitioner and her counsel as also for the reason that the petitioner is living in Tirupati; she being distressed was not able to communicate with her advocate to get the written statement prepared. Submission is that a valuable right of the petitioner would be lost in case she is not allowed to plead her defence.

Noting these above submissions as also the oral submissions made before this Court which show that enough opportunities had been granted to the petitioner to file written statement yet keeping in view the nature of the litigation and the explanation furnished by the petitioner, the order dated 16.12.2016 is set aside. This order is passed subject to payment of Rs.3000/- as costs to be deposited with the Delhi High Court Legal Services Committee and the petitioner is permitted to file written statement.

Written statement now be filed within three weeks (to be counted from today) with advance copy to the respondent-husband.

Petition disposed of.

Copy of this order be sent to the Family Court Judge. This order be also intimated to the respondent.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

MARCH 20, 2017/ndn