

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2693 of 2018
Date of Decision: 26.04.2018

Gurpreet Kaur

.... Petitioner

Versus

Ajit Pal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Anupam Sharma, Advocate, as Legal Aid Counsel
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, challenge has been laid to order dated 19.03.2018, whereby defence of the petitioner has been struck off by the trial Court.

Learned counsel for the petitioner *inter alia* contends that the petitioner, being a helpless woman, was being provided legal aid counsel, who appeared, but did not properly contest the case on her behalf. Thereafter, legal aid counsel was changed with another, who also kept the petitioner in dark and did not file written statement. The petitioner resides in Delhi, whereas divorce petition has been filed at Mohali. Therefore, the 'parivi' of the case could not be done properly by her counsel. In the interest of justice, single opportunity may be granted to the petitioner enabling her to file written statement and contest the divorce petition filed against her on merit by setting aside the impugned order, whereby her defence was struck off.

Having given considerable thought to the submissions made by learned counsel for the petitioner, but without commenting on the merits of the case, since it is a matrimonial dispute between the parties, the interest of justice,

equity, good conscience and fair play require that the petitioner should be permitted to defend her case by controverting the allegations levelled by her husband, the impugned order is set aside. Resultantly, the trial Court is directed to grant single opportunity to the petitioner to file her written statement on 03.05.2018 i.e. the date already fixed, subject to payment of costs of ₹2,000/-, to be deposited with the Member Secretary, District Legal Services Authority, Mohali. In case, the costs is not paid, this revision shall automatically stand dismissed.

Disposed of with the above observations.

This order has been passed without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

26.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No