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

CR No. 6284 of 2018

Date of Decision: 19.09.2018

Krishan Tyagi

-Petitioner

Vs

Poonam

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (ORAL)

Learned counsel for the petitioner contends that on 06.07.2018, report from Mediation Centre was received wherein efforts for re-conciliation could not fructify. The case was adjourned to 23.07.2018 for filing written statement by the respondent-wife. On 23.07.2018, an application under Section 24 of Hindu Marriage Act was filed along with written statement. The case was adjourned to 10.09.2018 for filing reply to the application under Section 24 of Hindu Marriage Act. On the adjourned date i.e. 10.09.2018, reply to the application under Section 24 of Hindu Marriage Act was not filed and the right to file reply to the application has been forfeited by the Family Court, Karnal on 10.09.2018 itself.

Perusal of the order would show that the case was adjourned on 23.07.2018 to 10.09.2018 and the impugned order

came to be passed on 10.09.2018, therefore, I deem it appropriate not to call upon the respondent at this stage as the same would further cause delay in disposal of the case.

In view of facts and circumstances of the case, one opportunity needs to be granted to the petitioner as he had availed only one opportunity on 10.09.2018 to file reply to the application under Section 24 of Hindu Marriage Act.

Curtailing the opportunity to contest the application, in my considered opinion is not legally sustainable, however the petitioner should have filed his reply on 10.09.2018 itself.

Having not done so, I deem it appropriate to impose costs of Rs.5000/- to be paid to the respondent. Petitioner would be at liberty to file reply to the application under Section 24 of Hindu Marriage Act before the adjourned date i.e. 05.10.2018 subject to payment of aforesaid costs. If the reply is filed before the adjourned date along with payment of costs, the same shall be considered by the Family Court, Karnal in accordance with law.

Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Disposed of.

19.09.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No