

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

**CRM-M-18236-2018
Date of decision: 02.05.2018**

Paramjit Singh

...Petitioner

Versus

Gurjeet Kaur

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Kumar, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. seeking to set aside the order dated 09.02.2018 passed in petition under Section 125 Cr.P.C. bearing No. MNT125/ 104/ 2017, instituted on 11.07.2017 titled as Gurjeet Kaur vs. Paramjit Singh, whereby defence of the petitioner has been struck off.

A perusal of the zimini orders as produced in the petition would reflect that the matter was pending before the Mediation and Conciliation Centre, which proceedings were not successful. On 27.11.2017, the matter was adjourned to 14.12.2017, on which date reply was not filed and an extra last opportunity was also granted to the petitioner herein and the matter was adjourned to 08.01.2018. On 08.01.2018, a request for an adjournment was made on the ground that petitioner was unwell and once again a request of the petitioner was acceded to and the date was extended to 25.01.2018 to file reply. The Court below again adjourned the matter to 09.02.2018 giving another extra last opportunity to file reply subject to deposit costs of

₹ 200/-, which cost was not deposited. On 09.02.2018, resultantly the Court below struck off the defence of the petitioner herein.

Learned counsel for the petitioner herein contends that the reply had been prepared and was ready for submission along with the costs, however, by the time the petitioner reached the Court, the said order had already been passed. It is prayed that the said order be set aside and the petitioner herein be allowed to join the proceedings.

I have heard learned counsel for the petitioner and without issuing notice to the opposite party, I deem it appropriate to allow the present petition. Issuing notice in the instant petition would only delay the proceedings further. Therefore, it would be in the interest of the parties concerned, if this Court set aside the impugned order subject to payment of ₹2,000/- as costs, to be handed over to the complainant. Ordered accordingly.

This Court is informed that the matter is listed for 11.05.2018, on which date the petitioner herein would put in appearance along with the written statement. Costs to be paid to the complainant.

However, it is made clear that in case the petitioner does not appear before the trial Court with reply and make the requisite payment as ordered above, on the date fixed, the relief granted herein shall stand automatically vacated.

02.05.2018*Satyawan***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.