

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

CRM-M-9845-2018 (O&M)
Date of Decision: 08.03.2018

JARNAIL SINGH

..Petitioner(s)

Versus

GAGANPREET KAUR AND ANR.

..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

Through the instant petition the petitioner has challenged the order dated 30.01.2018 (Annexure P-1), passed by the Judicial Magistrate Ist Class, Payal, vide which his defence had been struck off in a petition filed under Section 125 Cr.P.C., on his failure to file the reply.

I have heard the counsel for the petitioner and have gone through the zimini orders.

Counsel for the petitioner contends that though four effective dates were given for filing the reply but within a span of two months and their reply is ready and they may be given one opportunity to file the reply.

The counsel also states that the case is fixed for tomorrow and they would not seek any adjournment.

Notice is not being issued to the respondents as it would further delay the matter.

The petition had been filed in May, 2017. Service had been effected on the respondent in November 2017. The first date fixed for reply was 19.12.2017. The trial Court gave fortnights' adjournments though three in number and closed the right of the respondent to file the reply.

The matter was not very old. The Court could have imposed cost. The petitioner is ready with the reply and it has been stated that it can be filed tomorrow.

In view of this, the petition is allowed and the order dated 30.01.2018 (Annexure P-1) is set aside. The petitioner would file his reply tomorrow before the trial Court and also deposit Rs.5,000/-, which would be paid to Gaganpreet Kaur.

(ANITA CHAUDHRY)
JUDGE

08.03.2018

J/S

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No