

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

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**CRR No. 1283 of 2018
Date of Decision: 16.04.2018**

HARPAL SINGH

...Petitioner

Versus

KAMALPREET KAUR

...Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL.

Present:- Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Ajay Kumar Vermani, Advocate,
for the respondent.

LISA GILL, J. (Oral)

Petitioner is aggrieved of order dated 09.01.2018 passed by the learned Judicial Magistrate Ist Class, Amritsar, whereby the petitioner's defence has been struck off.

Brief facts necessary for adjudication of this case are that, respondent-Kamalpreet Kaur i.e. wife of the petitioner filed a petition under Section 12 of Protection of Women from Domestic Violence Act 2005 (hereinafter referred to as the 'Act') against the present petitioner and two others claiming various reliefs.

Learned counsel for the petitioner submits that reply on behalf of petitioner could not be filed due to miscommunication between the petitioner and his counsel. The same is not due to any negligence on the part of the petitioner and neither it is intentional. It is submitted that manifest injustice shall be caused to the petitioner in case he is not permitted to file reply in his defence. The petitioner undertakes to file the reply to the petition

under Section 12 of the Act filed by the respondent before the learned trial Court on 18.04.2018 i.e. the date fixed, in case an opportunity is afforded to him.

Learned counsel for the respondent has opposed this petition while submitting that effort of the petitioner is merely to delay the proceedings. It is however submitted that in case this petition is to be allowed, the petitioner be put to requisite terms.

Heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, it is considered just and expedient to afford one opportunity to the petitioner to file his reply so that the controversy can be decided on merits.

Accordingly, impugned order dated 09.01.2018 is set aside.

It is directed that in case reply is filed by the petitioner before the learned trial Court on 18.04.2018, the same be accepted subject to deposit of Rs.20,000/- as costs to be paid to the respondent. Additionally, sum of Rs.10,000/- which was to be handed over to the respondent today in terms of order dated 06.04.2018 be also deposited before the learned trial Court and the same be released to the respondent.

Petition is disposed of.

April 16, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No