

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 599 of 2019

Manisha Debnath, Aged about 25 years, D/o Bankim Debnath R/o Ward No. 06, House No. 990, Om Dham Colony, Post office Mana Camp, Raipur, Teshil and District Raipur, Chhattisgarh.

---- Petitioner

Versus

Rohit Sen, Aged about 29 years, S/o R.S. Sen, R/o E/121/A, Surya Vihar Colony, Junwani Road, Bhilai, Tehsil & District Durg, Chhattisgarh.

---Respondent

For Petitioner : Ms. K. Tripti Rao, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31.07.2019

1. Learned counsel for the petitioner submits that in a suit filed by the respondent herein under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, petitioner was served with summons and the date of appearance was fixed by learned family Court on 24/06/2019. On that day, petitioner filed an application under section 13 of the Family Court Act, 1984. The petitioner could not submit her written statement, as she was unable to appear personally and contest the application, therefore, she sought leave of the Court to engage amicus which was granted by the family Court, but her opportunity to file written statement was closed, which is unsustainable and bad in law.
2. I have heard learned counsel for the petitioner at length.
3. Taking into consideration the nature of dispute between the parties i.e. restitution of conjugal rights, and looking to the fact that on 24/06/2019, petitioner could not file the written statement due to the fact that she could not get the legal assistance and had filed

an application under Section 13 of the Family Court Act, 1984, it would be expedient to grant further time of 10 days to the petitioner to file her written statement. In the event that the written statement is filed by the petitioner within ten days from today, learned family Court, Durg would take her written statement on record and proceed in accordance with law.

4. With the aforesaid observations, this writ petition stands disposed of. The respondent is at liberty to file an application for modification, if aggrieved. No cost(s).
5. A copy of this order be sent to the concerned family Court by e-mail/fax.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet