

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 116

Case No. : C. R. No. 1510 of 2019

Date of Decision : March 05, 2019

Nisha Rani @ Sunita Rani Petitioner

vs.

Surinder Kumar and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Divyadeep Walia, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 18.08.2018 passed by the District Judge, Bathinda (for short – the Trial Court) striking off the petitioner's defence on the ground that she had not filed her written statement within the period of 90 days after having put in appearance before the Trial Court.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition are that the respondent-husband had filed a petition under Section 13 of the Hindu Marriage Act, 1955 seeking therein dissolution of the marriage between the parties. On being put to notice, the petitioner, who was respondent no. 1 before the Trial Court, put in appearance before it on 10.07.2018. Thereafter, the matter was adjourned to 06.08.2018 and then subject to payment of costs, to 18.08.2018. Since the

did not deposit the awarded costs, the Trial Court struck off her defence through the order under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

The petitioner had put in appearance before the Trial Court on 10.07.2018 and her defence was struck off on 18.08.2018. A period of 90 days had not elapsed after she had put in appearance before the Trial Court. Even otherwise, in the above facts, the impugned order is found to be harsh and therefore, the same is set aside. Resultantly, the petitioner is granted three weeks' time from today to file her written statement and thereafter, the Trial Court shall proceed with the matter in accordance with law.

Since the petitioner did not deposit the awarded costs before the Trial Court as also took over six months to knock the doors of this Court through the present petition and in the meanwhile, the trial has progressed in the Trial Court, the above relief granted to the petitioner is subject to payment of costs which are quantified at Rs.10,000/-.

The petition stands allowed in the above terms.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

March 05, 2019
monika

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>