

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

CRM-M No.49072 of 2018
Date of decision: 30th January, 2019

Manjit Singh and others

... Petitioners

Versus

Reeta Kumari and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Sidhu, Advocate for the petitioners.

FATEH DEEP SINGH, J.

This petition under Section 482 Cr.P.C. has come about by the accused petitioners Manjit Singh, Balbir Kaur and Rajwinder Singh alias Rajinder Singh whereby they have sought to impugn and challenge the order dated 30.07.2018 (Annexure P6) passed in a criminal complaint titled as 'Reeta Kumari vs. Jatinder Singh & others' whereby the defence of the accused petitioners was struck off by the Court of learned Judicial Magistrate 1st Class, Gurdaspur.

Heard Mr. K.S. Sidhu, Advocate for the petitioners and perused the records of the petition as well as that of the lower Court.

The brief background is that Reeta Kumari is alleged to have performed a love-marriage with Jatinder Singh on 10.01.2011 against the wishes of the parents and thereafter the couple approached this Court and filed a petition bearing CRM-M No.3302 of 2011 in which order dated 02.02.2011 (Annexure P2) was passed. Subsequently, it is claimed that

the parents disowned the couple. It is during the course of events, Reeta Kumari had filed a complaint under Section 12 of the Domestic Violence Act against the present petitioners and notice was issued to them on 09.03.2018 and thereafter, respondents No.2 to 4 appeared through their counsel before the Court concerned on 10.05.2018 and the matter was adjourned to 05.07.2018 for filing reply on their behalf as well as notice to respondent No.1. On 05.07.2018, reply on behalf of the respondents was not filed and the Court burdened them with Rs.500/- as cost to be paid to the applicant and then the case was adjourned to 30.07.2018 on which date the impugned order was passed, which reads as follows:-

“Reply on behalf of the respondent not filed inspite of their service and appearance on previous date, without justified or plausible cause. The respondent is burdened with cost of Rs.500/- to be paid to the applicant. Reply be now filed on 30.07.2018.

*Dt. of Order: 05.07.2018
Next date : 30.07.2018*

*Sd/- Mahesh Kumar,
PCS, JMIC
Gurdaspur.”*

That is how the parties are before this Court in the present invocation.

From this all, it is quite evident that while the matter was still pending for service of one of the respondents, it was also fixed for reply by the remaining respondents No.2 to 4, who had put in appearance and in fact after their putting in appearance only one date i.e. 05.07.2018 was given and thereafter on the next date of hearing i.e. 30.07.2018 the

impugned order was passed, is in itself reflective of the haste with which the Court below has gone about with the matter before it.

No doubt, the courts are supposed to ensure speedy justice, but that cannot be construed as denying legitimate right of a party to defend itself. Adequate opportunity of hearing needs to be afforded to the parties and to meet the ends of justice, it would subserve dispensation of justice if another opportunity is afforded to the petitioners for filing their reply, by setting aside the impugned orders. However, the same is subject to the petitioners depositing Rs.10,000/-, 50% of which shall go to the opposite party i.e. Reeta Kumari and remaining 50% to the District Legal Services Authority, Gurdaspur. Parties through their counsel are directed to appear before the Court concerned within a period of twenty days from today.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

January 30, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No