

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-5738-2019 (O&M)

Date of decision: 13.09.2019

Raj Rani and others

..... Petitioners

Versus

Maya Ram

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. RS Budhwar, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this revision, wife and children of respondent-Maya Ram, have assailed order dated 31.07.2019 (Annexure P-4), whereby their defence was struck off for not filing reply to the application of respondent dated 20.11.2017 (Annexure P-3) for restitution of property/amount, despite imposition of costs and further order dated 06.08.2019 (Annexure P-5) of the Principal Judge, Family Court, Kurukshetra, whereby their prayer for filing written reply was rejected.

Heard.

Having heard learned counsel for the petitioners, though this Court finds no merit in the instant revision, but considering principles of natural justice, equity, good conscience and fair play and the fact that no one should be condemned unheard for technical reasons, both the impugned orders dated 31.07.2019 and 06.08.2019 (Annexures P-4 and

P-5, respectively) are set aside, subject to payment of costs of ₹ 30,000/- to be paid by the petitioners to the respondent. Principal Judge, Family Court, Kurukshetra, is directed to consider reply of the petitioners, while hearing arguments upon the application of respondent dated 20.11.2017 (Annexure P-3) for restitution of his property/amount.

The instant revision stands disposed of, accordingly.

September 13, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No