

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-42085 of 2019

Date of Decision: 30.09.2019

Panna Lal Gulati & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amit Arora, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing of order dated 06.09.2019 passed by Judicial Magistrate Ist Class, Amritsar, vide which, on account of non-payment of costs, the defence of the petitioners, who were arrayed as respondents no.2 to 4 in the proceedings under the Protection of Women from Domestic Violence Act, 2005, was struck off.

Counsel for the petitioner while referring to various zimni orders reproduced in paragraph 7 of the petition has invited attention of the Court to order dated 02.08.2019 passed by Judicial Magistrate Ist Class, Amritsar to contend that written reply on behalf of the petitioners was filed through their counsel in Court, but the costs was not paid and it is for this reason, defence of the petitioners was struck off, vide order dated

06.09.2019 passed by Judicial Magistrate Ist Class, Amritsar. He submits that he has instructions to state that the petitioners are ready to pay the costs.

Vide order dated 02.08.2019 passed by Judicial Magistrate Ist Class, Amritsar, reply on behalf of the petitioners-herein was duly filed through their counsel, however, vide order dated 06.09.2019 passed by Judicial Magistrate Ist Class, Amritsar, the defence of the petitioners was struck off for the reason that costs was not deposited. Considering the fact that the petitioners undertake to deposit the costs, the order dated 06.09.2019 passed by Judicial Magistrate Ist Class, Amritsar is set aside provided the petitioners deposit costs within 15 days from today. The petitioners shall also pay a sum of Rs.2,500/- to respondent no.2 towards litigation expenses.

This order has been passed without notice to respondent no.2, for the reason that issuance of notice will cause further delay in the proceedings.

The present petition is disposed of.

September 30, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No