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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7803-2019(O&M)

Date of Decision: December 10, 2019

Hardeep Singh Cheema

.....Petitioner

Versus

Chander Cheema

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Sushant Kareer, Advocate
for the petitioner.

.....

NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed against the order dated 17.08.2019 vide which the Principal Judge, Family Court, Jalandhar, took on record the written statement and proceeded to fix the date for hearing arguments on an application under Section 24 of the Hindu Marriage Act.

While praying for setting aside of the said order, learned counsel for the petitioner submitted that the said written statement was not filed within the stipulated period of 30 days and, in fact, he had also moved an application under Order 8 Rule 1 & 10 of the CPC for striking off the defence of the respondent. However, without deciding the said application, the Court proceeded to take the written statement on record and fixed the case for arguments on the application, whereas it was incumbent upon the Court below to decide the said application first.

There is no dispute with the argument raised by learned counsel for the petitioner. This Court may note that learned counsel for the

petitioner is technically correct but any interference, at this stage, would not be in the interest of the petitioner, inasmuch as, issuing notice of motion in the present case would also mean staying the proceedings before the trial Court or in the alternative in case, the present revision petition is disposed of with a direction to the Court to decide the application under Order 8 Rule 1 and 10 of the CPC before proceeding further, may result in either dismissal of the application or acceptance of the same. In either of the two situations, one of the parties will come before this Court, which may result in further delay, which would again be not in the interest of the petitioner.

In these circumstances, this Court does not deem it appropriate to interfere with the impugned order. The revision petition is dismissed.

December 10, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |