

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 348 of 2020

Mandeep Ahuja / Bhatia W/o Gurpreet Singh Bhatia Aged About 39 Years R/o D-83, 3rd Floor, East Of Kailash, New Delhi, At Present R/o M - 46 Rajeev Nagar, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

Gurpreet Singh Bhatia S/o Late Mr. Jaspal Singh Bhatia Aged About 40 Years Current R/o Q - 13 B, Jangpura Extn, Second Floor, New Delhi - 110014 Permanent R/o N - 29-B, IInd Floor, Jangpura Extn, New Delhi 110014.

---- Respondent

For Petitioner : Ms. Smita Jha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-06-2020

Heard.

1. This petition has been brought challenging the order dated 26.2.2020 by which the opportunity of the petitioner for filing written statement was closed by the learned Family Court.
2. It is submitted by counsel for the petitioner that a divorce petition has been filed by the respondent before the Principal Judge, Family Court, Saket, New Delhi. On 27.11.2018, learned Family Court, New Delhi has closed the opportunity of the petitioner/ respondent for filing written statement. In fact, the petitioner had been making an effort for transfer of the divorce petition to the Family Court at Raipur, Chhattisgarh in which she succeeded and by the order of Hon'ble Supreme Court, the case has been transferred to the Court of Principal Judge, Family Court, Raipur which is now pending before the same Court. Although, the case was fixed for filing written statement by the petitioner, the learned Principal Judge of the Family Court by the impugned order observed

that since the opportunity for filing written statement was closed by the Family Court at New Delhi, the petitioner cannot be given any further opportunity. It is further submitted that since the petitioner was pursuing the transfer of the case, she was not in a position to file written statement when the case was pending before the Family Court in New Delhi, therefore, she has an entitlement regarding which she may be given opportunity. Hence, the order may be interfered with.

3. After considering the submissions made by counsel for the petitioner and also perusing the documents filed alongwith the petition, without notice to the respondent side, this petition is disposed off at motion stage. Learned Family Court, Raipur is directed that an opportunity for filing written statement be given to the petitioner and as an effect of this order, the impugned order stands set aside.
4. Accordingly, the petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge