

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

**CRM-M-5481-2020
Decided on : 07.02.2020**

Kamlesh Chandok and others

. . . Petitioner(s)

Versus

Antia Chandok

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Neeraj Yadav, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Sections 482 Cr.P.C., for quashing of order dated 05.11.2019 (Annexure P-3), passed by the learned Judicial Magistrate 1st Class (in short 'learned JMIC'), Amritsar, in Complaint No. COMA/444/2018, titled as, “Anita Chandok Vs. Nitin Chandok etc.”, dated 06.09.2018, filed under Section 11 & 12 of the Protection of Women from Domestic Violence Act, 2005, wherein, the defense of the petitioner has been struck off for their failure to file their written statement.

Counsel for the petitioners submits that the Court below has on hyper technical grounds struck off their defense, as the proviso to Order-VIII Rule 1 of CPC, are directory in nature and in view of the same, written statement can be accepted even after the expiry of 90 days.

I have heard learned counsel for the petitioners and perused the case file.

A perusal of the impugned orders of the Court below reveal that before the passing of the impugned order on 05.11.2019, on 09.10.2019, learned JMIC had adjourned the case to await the written statement of

respondents No.2, 8 & 9 (petitioners herein) along with other respondents. However, on the adjourned date i.e. 05.11.2019, written statement was yet again not filed by the petitioners, even though, they were duly represented by their respective counsel on the said date and on the date prior to it. It was in this background, as 120 days time had already elapsed, the Court vide impugned order dated 05.11.2019 struck off the defense of the petitioners. It would be pertinent to notice that the impugned order was passed on 05.11.2019 and 90 days thereafter, the petitioners woke up from their slumber to approach this Court for quashing/setting aside the impugned order dated 05.11.2019.

In view of the above, no ground is made out to interfere in the impugned order dated 05.11.2019 passed by the Court below.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 07, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*