

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-6497-2020

Date of Decision: 13.02.2020

Shri Sanjeev Kumar

...Petitioner(s)

Versus

Chinu & Ors.

...Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Inder Pal Singh Issar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 24.01.2020 passed by learned Additional Principal Judge (Family Court), Camp Court Naraingarh District Ambala (Annexure P-1), whereby the defence of the petitioner was struck off on account of non-filing of his reply.

It has been urged that the petitioner had no knowledge of the petition filed under Section 125 Cr. P.C. by the respondent. As the petitioner was not duly served, he was proceeded against *ex parte*. However, on coming to know of the pendency of the petition he moved an application for setting aside the *ex parte* order which was allowed by the court below vide order dated 22.11.2019 and then adjourned to 13.12.2019. Subsequently on 13.12.2019 the petitioner filed an application for conducting DNA test of both the children and then the case was adjourned to 10.01.2020 for arguments on the said application. After the arguments had been heard, the application filed by the petitioner was dismissed and then the case was adjourned to 24.01.2020 for filing of the written statement. However, vide impugned order dated 24.01.2020, the court struck off the defence of the petitioner on account of non filing of the written statement.

It was urged by the learned counsel for the petitioner that he had

never sought adjournment prior to the said date for filing of written statement and in fact only 62 days had lapsed since his appearance before the Court. Hence, it was prayed that the impugned order (Annexure P-1) be set aside.

In view of submissions made by learned counsel, this petition is allowed and the impugned order is set aside. However, it would be subject to payment of cost of Rs.5,000/- which would be paid before the State Legal Services Authority, Punjab.

February 12, 2020
Sunil Devi

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No