

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

115

CR No.2075 of 2021

Decided on : 01.10.2021

Sachin Sood

... Petitioner

Versus

Meenakshi Sood

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.P.S.Kanwar, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Prayer in the present revision petition, filed under Article 227 of the Constitution of India is for setting aside the order dated 08.09.2021 (Annexure P-5) passed by the Addl.Principal Judge, Family Court at Hoshiarpur.

Vide the impugned order, on account of only part-payment being made on account of maintenance of Rs.15,500/- and Rs.2000/- as costs imposed having been paid, the application for striking off the defence of the petitioner-husband was allowed. It was noticed that he had availed 3 opportunities but had still not made the full payment. A perusal of the paperbook would go on to show that vide order dated 11.01.2018 (Annexure P-1) Rs.4000/- per month was fixed as maintenance pendente lite on account of the fact that though the respondent-wife was also earning salary of Rs.8000/- per month and she had a minor child also to support.

Counsel submits that the drastic order should not have been passed and more costs could have been imposed and by striking off the defence of the petitioner, he will be prejudiced since the case is now fixed for his evidence.

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On 23.09.2021, counsel had been asked to produce the demand draft of Rs.60,000/- in favour of the respondent-Meenakshi Sood in order to show his bonafides. Requisite demand draft has now been produced. In such circumstances, this Court is of the opinion that the reason for striking off the defence has now been nullified and if the said amount is paid to the respondent-wife, it would be for her benefit and the benefit of their child from the marriage. It is settled principle that rules and procedures are hand-maids of justice and both the parties should be given adequate opportunities to defend their litigation. It is, in such circumstances, this Court is of the opinion that no useful purpose would be served by calling upon the respondent to contest this litigation.

Accordingly, in view of the above, the present revision petition is allowed and the impugned order dated 08.09.2021 (Annexure P-5) is set aside. The original demand draft be sent to the Registrar (Judicial) of this Court, for onward transmission to the Family Court at Hoshiarpur, for payment to the respondent-wife, after retaining photocopy of the same on record. It is further made clear that during the pendency of the litigation, petitioner shall pay the maintenance amount by the 7th day of each month, by tendering the same by way of demand draft in the Family Court at Hoshiarpur. In case of any default, the impugned order shall come back into force.

Copy of this order be supplied to counsel for the petitioner under the signatures of Special Secretary of this Court.

October 1, 2021

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No