

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

115

(Through Video Conferencing)

CRR(F)-27-2022

Date of decision: 13.01.2022

Vikas

.....Petitioner

Versus

Renu Bala and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tara Chand Dhanwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is aggrieved by the order dated 02.12.2021 which was passed by the learned Principal Judge, Family Court-cum-Camp Court, Hansi in case No.187-III titled as 'Renu Bala Vs. Vikas' vide which his defence was struck off on account of non-appearance and non-filing of the written statement.

Learned counsel for the petitioner submits that the defence of the petitioner was struck off vide the impugned order despite the learned counsel for the petitioner duly bringing to the notice of the Family Court that he was hospitalized with a cardiac problem and renal failure. Learned counsel submits that it was a matter of record that the petitioner was a heart patient and had suffered renal failure. In support, he has invited the attention of this Court to Annexure P-3, which are his medical reports. A prayer has, therefore, been made by learned counsel that a compassionate view be taken and the petitioner be granted one last opportunity to file written statement and defend his case before the Family Court concerned.

Heard and perused the material on record.

Ex-facie, the petitioner was given a couple of opportunities, however, he failed to file his written statement despite last opportunity being given to him. At the same time, if the petitioner is not granted one more opportunity to file written statement, he may suffer irreparable loss resulting in miscarriage of justice.

In the wake of the above without issuing notice to the respondents, to avert any further delay and the expenses which he shall have to incur to defend these proceedings, the impugned order dated 02.12.2021 is set aside. The instant revision petition is disposed of in the following terms:-

- (i) The petitioner is granted one last opportunity to file his written statement on or before 23.01.2022;
- (ii) In the event of any default, the matter shall not be adjourned any further. The Family Court concerned shall not grant any further opportunity to the petitioner in case he does not file his written statement on or before 23/01.2022 and his defence then shall deem to have been struck off;
- (iii) This, however, shall be subject to payment of costs in the sum of Rs.7,000/- to be paid to the respondents before the Family Court, which shall be a condition precedent.

13.01.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No