

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

(Sr. No. 111)

CRR(F) No.214 of 2022

Date of decision : 23.03.2022

Ram Singh

.....Petitioner

Versus

Smt. Bhagwati

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Balraj Gujjar, Advocate for the petitioner.

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DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to the order dated 18.11.2021 passed by the Additional Principal Judge, Family Court, Bhiwani (for short – the Trial Court) through which for non-filing of reply the petitioner's defence has been ordered to be struck off.

Learned counsel for the petitioner contends that in spite of grant of last opportunity the petitioner could not file reply to the application filed by respondent-wife under Section 125 Cr.P.C. as the petitioner resides in the State of Andhra Pradesh and due to outbreak of COVID-19 it was difficult for him to travel. He further submits that subject to payment of reasonable costs, the petitioner be granted only one opportunity to file reply.

After considering the afore submissions made on behalf of the petitioner and in line with the principles of natural justice as also not to

preclude the petitioner from raising his defence at the threshold of the litigation that he faces, this Court is of the opinion that the ends of justice would be met if subject to payment of Rs.10,000/- as costs to be paid by the petitioner to the respondent-wife, he be granted only one opportunity to file his reply to the application filed by respondent-wife under Section 125 Cr.P.C. Accordingly, the impugned order is set aside and the Trial Court is directed to grant the petitioner one opportunity to file his reply to the aforesaid application.

The petition is allowed in the above terms.

23.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No