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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-444-2022

Date of Decision: May 17, 2022

Navdeep @ Deepak

.....Petitioner

Versus

Rinku and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Karan Singh, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

The petitioner has approached this Court impugning the order dated 13.01.2022 vide which his defence was struck off by the learned Family Court and he was proceeded against ex parte.

It is contended that petitioner is a poor person without sufficient means and it was only on one day, i.e. 13.01.2022, when his counsel did not appear in the proceedings, which happened unintentionally and petitioner is keen to contest the petition filed against him. He submits that his counsel remained absent only for one day and his defence has been struck off and he is proceeded against ex parte. He has submitted that petitioner would be cautious enough in the future and if opportunity to participate in the proceedings is not granted to him he would suffer an irreparable loss. He submits that he may be granted one opportunity to join the proceedings.

In view of the facts and circumstances of the case, this Court finds that it would not be in the interest of justice to issue notice to the respondent-wife at this stage to face another litigation. However, in the interest of justice, the petitioner is granted only one opportunity for joining

the proceedings by filing his written statement/reply subject to payment of Rs.15,000/- as costs, to be paid to the respondent/wife.

Hence, order dated 13.01.2022 is set aside. Learned Family Court is requested to grant one opportunity to the petitioner subject to payment of costs, as mentioned above. It is made clear that if the petitioner does not make the payment of costs, this order would be of no avail to him.

May 17, 2022
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(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No