

CRM-M-24724-2022

Date of decision: 01.06.2022

GAGANPREET SINGH

...PETITIONER

VERSUS

SIMRANJIT KAUR AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naresh Dilawari, Advocate
for the petitioner.

VIVEK PURI, J. (ORAL)

Petitioner is seeking to quash the impugned order dated 22.04.2022 passed by the Court of Additional Principal Judge, Family Court, Hoshiarpur in complaint No. MNT/112-2021 dated 30.07.2021, under Section 125 Cr.P.C. vide which the defence of the respondents has been struck off.

Learned counsel for the petitioner contends that the respondents have instituted a petition under Section 125 Cr.P.C and in the said proceedings, the defence of the petitioner has been struck off on account of non-filing of reply. The reason assigned for non-filing of reply is to the effect that the petitioner is an illiterate person. It has been further stated that the cost of Rs. 500/- has already been deposited in the office of District Legal Services Authority, Hoshiarpur which were imposed upon the petitioner on account of lapse on his part in not filing the reply.

On a query, learned counsel for the petitioner states that he had appeared in the trial Court on 02.09.2021 and further states that on account of restricted hearing of the Courts due to Covid-19 Pandemic, he could not submit the reply at the earlier instance. However, it remains a fact that the defence of the respondents has been struck off after a lapse of period of about more than 07

months after he had put in appearance in the trial Court. At the same time, it has also to be borne in mind that it shall be appropriate if an another opportunity is granted to the petitioner to file reply and the controversy is adjudicated on merits. For the lapse on the part of the petitioner, he can be burdened with costs and the respondents can be compensated with the same. The next date of hearing in the trial Court is stated to be 04.06.2022 and the learned counsel for the petitioner undertakes that only one opportunity may be granted to the petitioner to submit the reply.

In these set of circumstances, the impugned order dated 22.04.2022 is set aside, subject to the condition that the respondents shall pay a sum of Rs. 5,000/- as costs to respondent No.1 in the form of demand draft in her name. It is further directed that the petitioner shall get only one effective opportunity to file the reply in the Court and tender the demand draft pertaining to costs. In the event, the learned Presiding Officer is holding the Court on 04.06.2022, the same be filed on that date and in the event, the learned Presiding Officer is not holding the Court on that date, the same may be filed on the next effective date of hearing fixed in the matter.

In view of the above, the present petition is disposed of.

01.06.2022
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(VIVEK PURI)
JUDGE

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