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

CR-2963-2022 (O&M)
Date of Decision:16.08.2022

Anjali Thukral

.. Petitioner

Vs.

Nitin Thukral and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Puja Chopra, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner is aggrieved against the order dated 26.05.2022, passed by Addl. District Judge, Gurugram in HMA Case No.588-2021, whereby her defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel has argued that the marriage of the petitioner was solemnized with respondent No.1 on 24.09.1998 and they were living together happily. Thereafter in August, 2021, respondent No.1 (husband) started treating the petitioner (wife) with cruelty and harassing her in one way or the other and ultimately on 14.08.2021, the petitioner was turned out of her matrimonial home and after that, she was residing separately in a rented accommodation. The petitioner tried to reconcile the matter with the respondent No.1, but he continued to misbehave with the petitioner. In September, 2021, respondent No.1 filed a petition seeking divorce from the petitioner. In that petition, she had appeared for the first time on 29.11.2021 and the matter was adjourned to 13.12.2021 as the time was sought by the counsel for the petitioner to file the written statement and

thereafter, the matter was adjourned to 31.01.2022. On 31.01.2022, due to pandemic COVID-19, only urgent matters were being taken up. On the said day, even the Presiding Officer was not holding the Court and matter was adjourned for 05.04.2022. On 05.04.2022, Presiding Officer was on leave and matter was adjourned to 26.05.2022. On 26.05.2022, the defence of the petitioner was stuck off. Learned counsel submits that the petitioner was having apprehension that in the reply to the divorce petition, she will have to counter, rebut and falsify the false allegations against her and the same would create a permanent rift in their matrimonial life and will make their reconciliation and rehabilitation impossible, therefore she was seeking adjournments for filing the written statement with a hope that the matter will be patched up with respondent No.1. He prays for only one opportunity to file the written statement.

Learned counsel states that the written statement is ready with the petitioner (wife) and would be filed positively on or before 04.11.2022 i.e. the date fixed before the family Court. He submits that in case, the petitioner is allowed to file her written statement, no prejudice would be caused to the other side.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to them. However, it is made clear that in case, the respondents feel that the petitioner (wife) has not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

Upon considering the nature of litigation between the parties,

as well as explanation offered by the petitioner-wife for delay in filing her response to the divorce petition, this Court deems it appropriate to afford one more opportunity to her to file the written statement.

Resultantly, the impugned order dated 26.05.2022 is set aside and petitioner/respondent No.1 is granted only one opportunity to file her written statement on or before the next date of hearing fixed before the trial Court i.e. 04.11.2022.

Disposed of.

16.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No