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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2959-2022 (O&M)
Date of Decision:10.08.2022

Vaishali @ Richa

.. Petitioner

Vs.

Tushar Verma

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhinav Aggarwal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner is aggrieved against the order dated 21.05.2022 (Annexure P-3), passed by Addl. Principal Judge, Family Court, Gurugram in HMA Case No.621 of 2021, whereby her defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel has argued that in the petition filed by respondent seeking divorce from the petitioner, she had appeared for the first time on 10.12.2021 and was granted adjournment for filing the written statement, but the needful was not done within specified time, despite two more opportunities on 24.01.2022 and 19.04.2022. Learned counsel submits that because of pandemic Covid-19 filing of written statement was delayed and prays for only one opportunity to file the written statement.

Learned counsel states that the written statement is ready with the defendant and would be filed positively on or before 23.09.2022 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 respondent, as it may cause unnecessary burden upon him and the nature of order would not cause any prejudice to him. However, it is made clear that in case, the respondent (husband) feels that the petitioner (wife) has not approached this Court with clean hands, it shall be open for him 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 21.05.2022 is set aside and petitioner/defendant 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. 23.09.2022.

Disposed of.

10.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No