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

CRR-1582-2022

Date of Decision: August 01, 2022

Raj Kumar and others

.....Petitioners

Versus

Manorma

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Atul Prataap Dhankhar, Advocate
for the petitioners.

.....

RAJESH BHARDWAJ, J.(ORAL)

The petitioners have approached this Court impugning the order dated 12.07.2022 vide which the appeal filed under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (for short,'the 2005 Act') was not heard on merit and it was declined on the ground of delay.

Counsel for the petitioners has drawn the attention of this Court to the order dated 18.12.2019 passed by learned Judicial Magistrate Ist Class, Palwal, wherein the application for setting aside the ex parte order was filed and the case was adjourned to 18.02.2020. Thereafter, the case came up for hearing on 18.02.2020 and it was recorded by the Judicial Magistrate Ist Class, Palwal that counsel for the petitioner-wife raised no objection if the application filed for setting aside the ex parte order dated 12.07.2019 is allowed. He has submitted that thereafter the petitioners filed the appeal under Section 29 of the 2005 Act before the learned Sessions Judge, Palwal, in accordance with law. He has submitted that computation

circumstances, though there was no delay, however, even if the same is there, as per the settled law, the Court should have considered it with an open mind and heard the case on merit.

After hearing the counsel for the petitioners and appreciating the facts and circumstances of the case, the Court finds it appropriate that there is no need to issue notice in this case as in the larger interest of the parties, the delay itself cannot be a ground for not entertaining the appeal on merit.

In view of the above, the order dated 12.07.2022 is set aside. The case is remanded back to the learned Sessions Judge, Palwal for calling the parties again and decide the case on merits, after condoning the delay if any.

Petitioner No.1 would pay Rs.10,000/- to the respondent- wife as costs before hearing of the appeal on merits by learned Sessions Judge, Palwal.

Needless to say that if petitioner No.1 does not pay the costs to the respondent-wife, this order would be of no use for the petitioners.

August 01, 2022
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(RAJESH BHARDWAJ)
JUDGE

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

Yes/No
Yes/No