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

CR-3442-2022

Date of decision : 26.08.2022

Jaspreet Kaur

...Petitioner

Vs.

Jaskaran Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

MANOJ BAJAJ, J.

Petitioner is aggrieved against the order dated 22.07.2022 (Annexure P-3) passed by Principal Judge Family Court, Ludhiana, whereby in a petition bearing No.HMA/2020/2021 for dissolution of marriage by a decree of divorce, her defence was struck off, as the written statement was not filed in stipulated period contemplated under Order VIII Rule 1 Code of Civil Procedure.

Learned counsel has argued that though the petitioner had appeared before the trial Court on 12.11.2021 and sought time to file written statement, but the same was not filed despite five opportunities and the Court proceeded to strike off the defence of petitioner vide order dated 22.07.2022. He further submits that the needful was not done within specified time as the petitioner, who lives in Ambala with her ailing father, could not contact the counsel to prepare the written statement to defend the case at Ludhiana.

Learned counsel further submits that the written statement is

ready with the petitioner and would be filed positively on or before 29.09.2022 i.e. the date fixed before the trial 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 feels that the petitioner has not approached this Court with clean hands, it shall be open for him to seek recalling of this order.

Resultantly, the impugned order dated 22.07.2022 (Annexure P-3) is set aside and petitioner is directed to file written statement on or before 29.09.2022, i.e. the date already fixed before the trial Court.

Disposed of.

(MANOJ BAJAJ)
JUDGE

26.08.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No