

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

122

CR-3734-2022 (O&M)
Date of decision: 08.09.2022

SIMI KACHROO

....Petitioner(s)

Versus

AKHIKLESH RAINA

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Varun Dhanda, Advocate
for the petitioner.

MANJARI NEHRU KAUL. J. (ORAL)

The instant revision petition has been filed for setting aside of the order dated 03.08.2022 (Annexure P-8) passed by learned Principal Judge, Family Court, Gurugram, whereby the defence of the petitioner was struck off.

Learned counsel for the petitioner submits that it was on account of genuine reasons beyond her control that the petitioner was unable to file her written statement. A prayer has, therefore, been made that a compassionate view be taken and the petitioner may be granted one last effective opportunity to file her written statement.

I have heard learned counsel for the petitioner and perused the relevant material on record.

The petitioner was granted several opportunities to file her written statement, however, she failed to do so.

Be that as it may, if the petitioner is not granted opportunity to file her written statement, she would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the

petitioner to file her written statement.

In the wake of the above, the impugned order dated 03.08.2022 (Annexure P-8), is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to file her written statement.
2. In the event of default by the petitioner, the case shall not be adjourned any further for filing written statement and consequently her defence shall be struck off.
3. This, however, shall be subject to payment of costs in the sum of Rs.5,000/- to be paid to the respondent which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 08, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>