

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

CR No.5369 of 2022

Date of Decision: 21.11.2022

Rakesh Kumar

.....Petitioner

Versus

Suman Lata

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Deepam Ragav, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein has assailed the order dated 25.07.2022 (Annexure P-8) passed by learned Additional Principal Judge, Family Court, Gurugram (for short, 'the Family Court'), in the petition bearing GW No.96 of 2021 preferred by the respondent against him under Section 25 read with Section 7 of the Guardian and Wards Act, whereby his defence has been struck-off on account of non-filing of the Reply by him, while observing that he had been afforded several opportunities for the said purpose.

2. I have heard learned counsel for the revisionist-petitioner, at the preliminary stage, in the instant revision petition and have also perused the file carefully.

3. Though the petitioner has not filed the Reply well in time but keeping in view the facts that in case, he is deprived from filing the same to defend in the said petition, he would suffer an irreparable loss that may

further result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if the petitioner is allowed to file his Reply but subject to payment of cost.

4. Resultantly, without issuing the notice to the respondent so as to avoid any further delay in the matter and also to avert the expenses that she (respondent) may have to incur to defend in the present petition, the impugned order dated 25.07.2022 (Annexure P-8) is hereby set-aside and the revision petition in hand stands disposed of with a direction to the petitioner to file his Reply in the Family Court on 15.12.2022, i.e the next date as stated to have been fixed in the said petition, but the payment of the cost of Rs.5,000/- shall be a condition precedent for doing so and in the eventuality of the default on his part in filing the Reply or the payment of the cost on the afore-said date, he shall not be entitled to any further opportunity for the said purpose.
5. However, it is further clarified that in case the respondent feels aggrieved by this order, she shall be at liberty to move an appropriate application to contest the present petition.

November 21, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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