

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

209

**CRR-2193-2019 (O & M)
Date of Decision:02.04.2022**

PAWAN DASS BAWA AND OTHERS

...PETITIONERS

VERSUS

RADHIKA SALLY

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Yogesh Goyal, Advocate for the petitioners.

Mr. Chander Shekhar Sharma, Advocate for the respondent.

SUVIR SEHGAL, J.

CRM-26807-2019

Prayer in the application filed under Section 05 of the Limitation Act, 1963, is for condonation of delay of 76 days in filing of the revision petition.

Notice of the application was issued to the respondent on 04.09.2019, however, no reply has been filed.

Counsel for the applicants/petitioners submits that petitioner No.1, who is the husband of the respondent, has been detected to be suffering from acute hepatitis. Reference has been made by counsel to the medical record, Annexure P-2, to submit that the petitioner has been undergoing treatment from a Government hospital. Due to his medical condition, counsel submits that he could not appear before the trial court and his defence was struck off and there has been a delay in the filing of the instant revision petition, which deserves to be condoned.

Heard.

For the reasons given in the application, it is allowed.

Delay of 76 days in filing of the revision petition is condoned.

Main Case

Instant petition has been filed under Section 401 of the Code of Criminal Procedure, 1973, for setting aside order dated 15.03.2019, whereby defence of the petitioners has been struck off in a petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, by the respondent.

Heard counsel for the parties.

Undoubtedly, petitioners have been remiss in attending Court proceedings, but considering the health condition of petitioner No.1, which has remained uncontroverted on the record, this Court deems it appropriate to grant one opportunity to the petitioners to enable them to file reply to the main petition, by adequately compensating the respondent for the delay caused.

Consequently, impugned order dated 15.03.2019 is set aside. Petitioners are granted one opportunity to file reply within four weeks from today, subject to payment of cost of Rs.20,000/- to the respondent, which will be a condition precedent to grant of the opportunity.

Petition is disposed of.

02.04.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No