

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 117

Civil Revision No.4049 of 2022 (O & M)
Date of Decision: *September 22, 2022*

Babita Sharma

..... PETITIONER(S)

VERSUS

Vivek Kaushik

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Manoj Kaushik, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside of order dated 24.08.2022 (Annexure P-2) whereby the defence of petitioner – respondent has been struck off by the Family Court on her failure to file written statement.

Learned counsel for the petitioner submits that the petitioner – respondent appeared before the Family Court on 07.03.2022. She was allowed to be represented by a counsel and the case was adjourned to 18.05.2022 for filing of written statement. The same could not be filed on the adjourned date and last opportunity was granted to do so, by adjourning the matter to 24.08.2022. He has referred to medical certificate dated 22.08.2022 (Annexure P-4) to state that the petitioner, infact, was not well that time and written statement could not be filed. It has also been submitted that in a case under Domestic Violence Act, 2005, pending between the

parties, compromise talks were also going on at that time, as is apparent from order dated 01.07.2022 (Annexure P-5); that is the reason the written statement could not be filed.

In view of the aforesaid and in the interests of justice, order dated 24.08.2022 (Annexure P-2) is set aside and the petitioner – respondent is granted one opportunity to file the written statement before the Family Court within a period of one week from today subject to payment of Rs.5,000/- as costs to the respondent. No further opportunity shall be granted for the purpose.

Disposed of accordingly.

(Tribhuvan Dahiya)
Judge

September 22, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No