

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 117

CRR(F)-950-2022

Date of decision : 12.10.2022

Navneet Kumar Kaundal

..... Petitioner

VERSUS

Anu Kaundal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Lovish Rattan, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

Through the present petition the petitioner challenges order dated 07.07.2022 passed by the Additional Principal Judge, Family Court, Ludhiana (for short, the Trial Court) through which the petitioner's defence had been struck off for the reason that he did not deposit the awarded costs as also for non-filing of his written statement in spite of grant of four effective opportunities.

Learned counsel for the petitioner submits that the delay in the filing of the written statement by the petitioner was on account of certain miscommunications between him and his counsel appearing for him before the Trial Court; it is for the same reason that the awarded costs were not deposited; the petitioner shall file his written statement before the next date fixed before the Trial Court i.e. 03.11.2022 and that he has also no objection to the early disposal by the Trial Court of the petition filed by the respondents under Sections 125 Cr.P.C.

So as to not preclude the petitioner from raising his defence at the threshold of the litigation that he faces as also in line with the principles of natural justice, the present petition is allowed and resultantly, the impugned order is quashed. However, the same is subject to the petitioner

filing his written statement before the Trial Court on or before 03.11.2022 as also depositing Rs.22,000/- with the Trial Court as costs, to be disbursed to the respondents in the form of a bank draft favouring respondent No.1.

It is further directed that the petition filed by the respondents under Section 125 Cr.P.C. shall be finally disposed of by the Trial Court within three months from the next date fixed before it, in accordance with law.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

12.10.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No