

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

CR No.4411 of 2022

Date of decision: 14th October, 2022

Chandni

... Petitioner

Versus

Pankaj Sharma

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jaideep Verma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside of the order dated 23.08.2022 passed by learned Addl. Principal Judge, Family Court, Ludhiana vide which the defence of the petitioner was struck off.

Learned counsel for the petitioner, while inviting attention of this Court to the interim orders passed by the Court below (Annexure P13), contends that since 14.02.2022 the case was being adjourned for filing reply to the application under Section 24 of the Hindu Marriage Act, 1955 by the respondent. However, on 08.08.2022, the Court realized that the said application stood decided on 14.03.2018 therefore, the case was adjourned to 23.08.2022 for filing the reply to the main case by the petitioner, subject to last opportunity. Learned

counsel submits that it is evident from the above that the petitioner was given just one opportunity to file her written statement.

Learned counsel further submits that due to miscommunication with her counsel before the trial Court, the petitioner was unable to file her written statement on 23.08.2022. A prayer has, therefore, been made that a compassionate view be taken and the impugned order be set aside.

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

A perusal of the record reveals that the petitioner has indeed been negligent in pursuing the case. However, at the same time this Court is also conscious that if the petitioner is not granted one more 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, without issuing notice to the respondent, to avoid any further delay as well as expenses which the respondent shall have to incur to defend these proceedings, the impugned order dated 23.08.2022, 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 of her written statement and consequently her defence shall be deemed to be struck off.
3. This, however, shall be subject to payment of costs in the sum of ₹ 10,000/- to be paid to the respondent which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

October 14, 2022

rps

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