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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-940-2022

Date of Decision: 07.10.2022

CHANJOT SINGH

..... Petitioner

Versus

MANMEET KAUR

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Tarunjit Singh Grewal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking quashing of order dated 26.09.2022 passed by learned Additional Principal Judge (Family Court), Ludhiana whereby defence of the petitioner has been struck off and thus, an opportunity to file reply to the maintenance petition has been closed.

The petitioner was married to Manmeet Kaur- respondent No.1 on 26.01.2016 and Prabhnoor Kaur- respondent No.2 was born out of the wedlock. On account of differences, the respondents filed petition under Section 125 of Cr.P.C. alongwith an application seeking interim maintenance. Learned Trial Court issued notice to the petitioner for 05.05.2022.

The petition filed under Section 125 Cr.P.C. alongwith interim application was listed on 02.06.2022, 04.07.2022, 02.08.2022 and thereafter on 26.09.2022 on which date learned Trial Court has passed impugned order. The present petitioner failed to file reply on

afore-stated dates.

The petitioner has contended that he belongs to Hyderabad and on account of change of counsel, reply could not be filed within time. Learned Trial Court on 22.08.2022 had imposed costs of Rs.1,000/- for not filing reply by the next date of hearing i.e. 26.09.2022. The petitioner engaged new counsel for appearance on 26.09.2022, who requested to adjourn the matter for a short date to file reply/written statement as he was engaged at last moment and petitioner belongs to Hyderabad. Learned Trial Court discarded request made by new counsel of the petitioner and ordered to struck off the defence.

Learned counsel for the petitioner submitted that there was no mala fide intention for non-filing of written statement and he undertakes that he will definitely file written statement if one last opportunity is granted. The petitioner initially engaged Shri Uddamjit Singh Sandhu, an Advocate practicing at Ludhiana District Court, however, petitioner on account of dissatisfaction had to change his counsel to appear before the learned Trial Court on 26.09.2022. The petitioner had sought one week time to file reply still learned Trial Court turned down request of the petitioner.

I have heard the arguments of learned counsel for the petitioner and perused record of the case.

Learned Trial Court vide impugned order dated 26.09.2022 has struck off defence of the petitioner even though costs of Rs.1,000/- imposed by earlier order dated 22.08.2022 was paid.

Without commenting upon the merits and conduct of petitioner, I deem it appropriate to grant one last opportunity to

petitioner to file reply to petition filed under Section 125 Cr.P.C. before learned Trial Court. The impugned order dated 26.09.2022 to the extent of striking off defence is set aside and the petitioner is granted one last opportunity to file reply within 10 days from today, subject to costs of Rs.25,000/- to be paid to respondents.

(JAGMOHAN BANSAL)
JUDGE

07.10.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>