

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

CR No.4391 of 2022 (O&M)
Date of decision: 14th October, 2022

Anita Poras

... Petitioner

Versus

Anupama & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Dalal, 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 13.05.2022 passed by learned Principal Judge, Family Court, Jind vide which the defence of the petitioner was struck off.

Learned counsel for the petitioner *inter alia* submits that the defence of the petitioner was struck off due to non payment of the balance interim maintenance in the sum of ₹ 40,000/- to the respondent daughter-in-law despite having been given ample opportunities. Learned counsel on instructions submits that the aforesaid balance payment of ₹40,000/- stands paid to the respondents.

Learned counsel further submits that the petitioner is a widow and suffering from various ailments and has no independent source of income due to which she was unable to pay the above said

amount. Learned counsel further submits that the petitioner being an old lady was not well versed with the nitty gritty of the Court proceedings. It is submitted that it was on account of the genuine reasons that the petitioner was unable to file her written statement. 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, more so, when the balance payment of ₹ 40,000/- stands made to the respondents. 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 respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend these proceedings, the impugned order dated 13.05.2022, 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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