

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

CR-4395-2022

Date of decision : 14.10.2022

Bhagwati Rawat

...Petitioner

Vs.

Gourav Gupta

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Kohar, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this revision petition for setting aside the order dated 16.07.2022 (Annexure P-5) passed by Principal Judge Family Court, Gurugram, whereby in a divorce petition bearing No.HMA No.1646-2021 filed by respondent, her defence was struck off, as the written statement was not filed in stipulated period contemplated under Order VIII Rule 1 Code of Civil Procedure.

Learned counsel has argued that though the petitioner had appeared before the trial Court on 10.03.2022 and sought time to file written statement and later few more adjournments were also granted, but the same was not filed and on 16.07.2022, the Court proceeded to strike off the defence of petitioner. He further submits that the needful was not done within specified time, because on 16.07.2022, arguing counsel was not well and junior counsel appeared and sought adjournment, however, the trial Court refused the prayer to adjourn the case and struck off the defence of the petitioner.

Learned counsel further states that the written statement is ready with the petitioner and would be filed positively on or before 06.12.2022 i.e. the date fixed before the trial Court. He submits that in case, the petitioner is

allowed to file her written statement, no prejudice would be caused to the other side. Learned counsel prays that the impugned order be set aside and one last opportunity to file written statement be granted.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon him and the nature of order would not cause any prejudice to him. However, it is made clear that in case, the respondent feels that the petitioner has not approached this Court with clean hands, it shall be open for him to seek recalling of this order.

Upon considering the submissions and examining the nature of the dispute as well as the litigation, the impugned order dated 16.07.2022 is set aside and the petitioner is granted only one more opportunity to file her written statement on or before the next date of hearing fixed before the trial Court i.e. 06.12.2022.

Disposed of.

(MANOJ BAJAJ)
JUDGE

14.10.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No