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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4478-2022 (O&M)

Date of Decision:17.10.2022

SUMAN YADAV

.. Petitioner

Vs.

SANJAY KUMAR AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manu Sachdeva, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this revision petition under Article 227 Constitution of India for setting aside the order dated 08.07.2022 (Annexure P-3) passed in HMA Case No.1176 of 2021 by Addl. Principal Judge, Family Court, Gurugram, whereby her defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel contends that on 20.09.2021, notice was issued to the petitioner for 07.12.2021 in petition under Section 13(1)(ia) HMA. On 07.12.2021, power of attorney was filed on behalf of respondent Nos.1 and 2, but written statement was not filed and the matter was adjourned to 11.02.2022 for filing written statement. On 29.04.2022, written statement on behalf of respondent No.2 was filed, but respondent No.1 failed to file her written statement and the case was adjourned to 08.07.2022, when her defence was stuck off.

Learned counsel states that the written statement is ready with the petitioner and would be filed positively on or before 15.11.2022 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.

Heard.

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

Upon considering the nature of litigation between the parties, as well as explanation offered by the petitioner for delay in filing her response, this Court deems it appropriate to afford one more opportunity to petitioner to file the written statement.

Resultantly, the impugned order dated 08.07.2022 (Annexure P-3) is set aside and petitioner is granted only one opportunity to file her written statement on or before the next date of hearing fixed before the trial Court i.e. 15.11.2022.

Disposed of.

17.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No