

CRM-2115-2022 in/and
CRR-6-2022

Date of decision: 24.01.2022

SHIV NARAIN SHARMA AND ORS.

...PETITIONERS

VERSUS

DIMPLE

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Sumit Sangwan, Advocate
for the petitioner.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)****CRM-2115-2022**

The petitioner seeks to place on record the copies of Annexures P-2
and P-3.

CRM application is disposed of and Annexure P-2 and P-3 are taken
on record.

Registry to tag the same at the appropriate place.

CRR-6-2022

The petitioners have assailed the order dated 10.12.2021 passed by
the learned Additional Sessions Judge, Rewari vide which an appeal preferred
against order dated 08.01.2020 passed by the learned Judicial Magistrate, Rewari
has been dismissed.

Respondent has instituted a petition under Section 12 of the
Protection of Women from Domestic Violence Act against the petitioners and
Puneet, her husband. Puneet has been proceeded against *ex parte*. The remaining

respondents had put in appearance in the Court below but their defence has been

struck off in terms of order dated 08.01.2020 on the score that the reply has not been filed despite several opportunities. The appeal preferred against the said order has also been dismissed on the score that sufficient and numerous opportunities were granted to file reply.

Learned counsel for the petitioners contends that they had put appearance in the Court below on 20.03.2019. The reply was prepared but the same could not be filed on the score that petitioner No.4 had delivered a baby and suffered some complications. Furthermore, the respondent has not led any evidence till date and has sought only one opportunity to file reply.

The reason assigned for non-submission of the reply is to the effect that one of the petitioners who had delivered a baby and suffered some complications, though the reply was already prepared. Furthermore, the respondent has not yet led any evidence after the striking of the defence of the petitioners. In such circumstances, it shall be appropriate if one opportunity is afforded to the petitioners to file reply and the controversy is adjudicated after they can put in appropriate defence during the course of proceedings in the Court below. For the lapse on the part of the petitioners, the respondent can be compensated in terms of cost. Accordingly, the impugned orders are set aside and the petitioners are granted one effective opportunity to file reply subject to the payment of Rs. 10,000/- as costs to the respondent.

In the aforesaid terms, the present petition stands allowed.

24.01.2022
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(VIVEK PURI)
JUDGE

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