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

CRR(F)-1173-2022(O&M)

Date of Decision: November 23, 2022

Baljeet

.....Petitioner

Versus

Priti

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.C.P.Tiwana, Advocate for
Mr.V.D.Sharma, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

CRM-45164-2022

Instant application is filed for condonation of delay of 71 days in filing the accompanying revision petition.

It has been submitted by counsel for the applicant/petitioner that inadvertently after passing of the impugned order, he had filed a petition for recalling of the same, however, the same was dismissed as withdrawn vide order dated 07.11.2022. He has submitted that petitioner, being a rustic person, was not aware of the procedure and that the same was not maintainable and on account of the same, there occurred a delay of 71 days in filing the accompanying revision petition. He submits that the delay occurred is bona fide and unintentional and if the same is not condoned, the petitioner would suffer an irreparable loss and injury.

After hearing the counsel for the applicant/petitioner and going through the record, the Court deems it appropriate to condone the delay and the petitioner should be heard on merit.

Accordingly, application is allowed. Delay of 71 days in filing the accompanying revision petition is condoned.

Main case

Petitioner/husband has filed the present revision petition impugning the order dated 06.06.2022, vide which the learned Family Court has struck off his defence.

It has been submitted by the counsel for the petitioner that there was communication gap between the petitioner and his counsel and on account of the same, the petitioner was prevented from filing the reply to the petition. He submits that non-filing of the reply was totally unintentional and bona fide and the petitioner would suffer an irreparable loss an injury if he is not allowed to file his reply and contest the petition filed by the respondent/wife. He further submits that petitioner undertakes not to repeat this mistake again and he has changed his counsel as well.

After hearing the counsel for the petitioner and going through the record, it appears that though, as observed by the learned Family Court, three effective opportunities were granted to the petitioner by the learned Family Court to file his reply, but he failed to file the same, however, in view of the overall facts and circumstances, the respondent/husband deserves to be granted one opportunity to contest the petition on merits. As the proceedings under Section 125 Cr.P.C. are meant for speedy justice to the aggrieved party, so this Court finds that issuance of notice to the opposite party will delay the proceedings. The petitioner/husband is entitled to join and contest the proceedings on merits and the other party can be compensated by awarding costs.

In the facts and circumstances, the impugned order is set aside.

The learned Family Court is requested to grant effective opportunity to the petitioner to file his reply and contest the petition on merits subject to payment of costs of Rs.25,000/- to be paid to respondent/wife.

Needless to say that if the petitioner does not pay the costs, as granted, this order would be of no avail to him.

Disposed of accordingly.

November 23, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |