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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6058-2022

DATE OF ORDER: 20.12.2022

Mamta Arora

.....Petitioner

Vs.

Gurcharan Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Nidhi Gupta, J.

Prayer in this Revision Petition is for setting aside order dated 15.07.2022 passed by the trial Court vide which the defence of the petitioner has been struck off.

It is inter alia submitted by learned counsel for the petitioner that the respondent has filed petition under Section 13 of the Hindu Marriage Act, 1955 against the petitioner seeking divorce on ground of cruelty. It is stated that the petitioner had duly appeared before the learned Family Court on 22.10.2021. However, the petitioner was unable to file reply as at that time, mother of the petitioner was suffering from cancer and the petitioner was looking after her. It is further submitted that at the same time, the minor daughter of the petitioner was also diagnosed with tumor which was also operated upon in 2021 itself. It is stated that mother of the petitioner subsequently passed away on 06.06.2022 after a long and critical ailment. Medical certificate dated 02.06.2022 and cremation receipt

in regard to her mother are on record as Annexure P3. It is stated that in this scenario, the petitioner was unable to appear and file her written statement and therefore, one effective opportunity be granted to enable the petitioner to file her written statement.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will only cause further delay in disposal of the case.

In view of the above said submissions made on behalf of the petitioner, this petition is allowed and the impugned order dated 15.07.2022 is set aside. It is directed that the petitioner be granted one effective opportunity to file her written statement, however, subject to payment of Rs.5.000/- as costs.

Liberty is granted to the respondent to revive this petition, if so advised.

20.12.2022

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No