

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8634 OF 2023

Deep Satish Puri

...Petitioner.

Versus

Roma Deep Puri

..Respondent.

*Ms. Jaymala J. Ostwal and Ms Purnima Rao i/b J.J. Associates for the
petitioner.*

Coram : Sharmila U. Deshmukh, J.

Date : July 17, 2023.

P. C. :

1. The challenge in the petition is to the order dated 11th April 2023 allowing the respondent's application for permission to file written statement on record.

2. Learned counsel for the petitioner submits that the petition was filed in the month of October 2017 and on 9th January 2018, the advocate for respondent had appeared in the proceedings. She would further submit that the matter was adjourned to 17th April 2018 for filing of the written statement and as the written statement was not filed, the matter was adjourned for ex-parte hearing. She would further contend that subsequently instead of filing the written

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statement, the respondent filed an application before the Supreme Court for transfer of petition and during the period 17th April 2018 to 18th August 2018, the proceedings were stayed. She would further submit that on 8th July 2019 the order of ex-parte proceedings was set aside. She would urge that it was at that point of time, the respondent-wife ought to have filed the written statement, however, the same is filed in the month of August 2022. She would contend that without filing an application for condonation of delay, the application has been filed for permission to file written statement and she has been permitted to file written statement.

3. Considered the submissions of learned counsel for the petitioner.

4. From the sequence of events which has been narrated above, it transpires that during the period 17th April 2018 to 18th April 2018, the proceedings were stayed by the Apex Court. If the application filed by the respondent for permission to file written statement is perused, it appears that the written statement was prepared and affirmed on 26th September 2018, however, the petitioner raised an objection with regard to the power of attorney and insisted that unless the said objection is decided, the written statement should not be taken on record. The order of trial Court records that it is only

recently the petitioner did not press his application raising the objection to the power of attorney. It appears that in the interregnum considering the objection raised by the petitioner with regard to the power of attorney, a fresh power of attorney was executed in January 2019. It is a matter of common knowledge that during the period 2020 to 2022, the country was reeling under Covid-19 pandemic and as such functioning of the courts was severally affected. The application has been filed on 20th August 2022. The submissions which are made in the application cannot be disbelieved as the same are in consonance with the factual narration stated above.

5. Apart from the said facts, it is also required to be noted that it is the personal life of the parties which is involved as regards the dissolution of marriage and in my opinion, in such cases, it is in the interest of justice that the respondent-wife is permitted to contest the petition on merits.

6. In view of the above, there is no merit in the petition. Writ petition stands dismissed.

[Sharmila U. Deshmukh, J.]