

CRM-M-10501-2023

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

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Date of Decision:-28.02.2023.

AMIT GULRAJANI

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aditya Jain, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

The present petition raises challenge to the order dated 02.02.2023, passed by learned Principal Judge, Family Court, Gurugram and the order dated 16.08.2022, whereby the defence of the petitioner was strike off and further the application for setting aside the order also came to be dismissed.

Learned counsel for the petitioner has fairly submitted that without going into the merits of the case, one effective opportunity be granted to the petitioner to file his written statement.

After hearing learned counsel for the petitioner and going through the record, the Court is of the view that issuance of notice shall only procrastinate the proceedings. It is a settled preposition of law that the litigation or the *lis* should be decided on merits, rather than this hyper-technicalities, and the lapse in the procedure should be condoned as the

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same can be compensated by imposition of reasonable cost. Therefore, without expressing any opinion on the merits, the order dated 02.02.2023 and 16.08.2022 are set aside, however, subject to cost of Rs.50,000/- to be paid to the respondent-wife. Learned counsel for the petitioner has submitted that the next date of hearing is fixed for 06.05.2023, however, he prays that the written statement shall be filed within one month from today, so that the matter can proceed for evidence, on the date already fixed, which shall not cause any delay in the process of law.

In the light of the above, the present petition stands disposed of.

Ordered accordingly.

Written statement to the main petition as well as reply to the application for seeking interim maintenance be filed within one month from today, failing which, or non-compliance of the payment of cost as imposed above, this order shall be vacated.

(ALOK JAIN)
JUDGE

February 28, 2023.

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No