

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

117

CR No.1229 of 2023 (O&M)

Date of decision: 15.03.2023

Roopkanwal Kaur @ Gloria

....Petitioner

V/s

Gurpreet Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sahil Sharma, Advocate for  
Mr. Vishal Garg Narwana, Advocate for the petitioner.  
Mr. Anand Vardhan Khanna, Advocate for the respondent.

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**VIKAS SURI, J. (Oral)**

Grievance raised in the present petition preferred under Article 227 of the Constitution of India is against the order dated 23.01.2023 (Annexure P-2), whereby having failed to file written statement, the request for adjournment for the same purpose was declined and accordingly, the defence of the respondent was ordered to be struck off; and the order dated 25.01.2023 (Annexure P-5), whereby the application moved for recalling the aforesaid order dated 23.01.2023 was dismissed.

At the preliminary hearing of the instant revision petition Mr. Pawandeep Singh, Advocate has put in appearance on behalf of the respondent-husband and submits that the present petition may be allowed and the petitioner-wife be permitted to file her written statement. It is expressed that the concession is made to avoid further delay in adjudication on merits and prays that proceedings be expedited.

Learned counsel for the petitioner accepts the statement made on behalf of the respondent and submits that the parties are in advance stage of negotiations for an amicable out of Court settlement.

Keeping in view the concession made on behalf of the respondent and the settled principal of law that in matrimonial proceedings, another opportunity deserves to be granted subject to costs to contest the matter on merits, the present petition is allowed. The impugned orders dated 23.01.2023 (Annexure P-2) dated 25.01.2023 (Annexure P-5) are set-aside.

Accordingly, one more opportunity is granted to the petitioner-wife to file her written statement on the next date already fixed before the Court below i.e. 03.04.2023. It is, however, made clear that in the event of non-filing of the written statement on the aforesaid date, no further opportunity is liable to be granted for the said purpose and the defence shall be deemed to be struck off. The Court below shall proceed further with the matter in accordance with law and would make an endeavour to dispose of the main case expeditiously.

The present revision petition is disposed of in the aforesaid terms.

(VIKAS SURI)  
JUDGE

March 15, 2023  
*Ajay*

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