

CRR(F)-881-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115

CRR(F)-881-2023

Date of decision : 01.06.2023

Manjit Singh

..... Petitioner

Versus

Beant Kaur

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Amandeep Singh Samra, Advocate
for the petitioner.

AMARJOT BHATTI J. (ORAL)

1. The petitioner – Manjit Singh has filed revision against impugned order dated 14.12.2022 vide which in petition under Section 125 Cr.P.C. his defence has been struck off for not filing the written reply to the main petition as well as to the interim maintenance application as well as order dated 01.05.2023 vide which application to recall the aforesaid order was also dismissed, passed by learned Principal Judge, Family Court, Barnala.

2. The learned counsel for the petitioner pointed out that his wife Beant Kaur filed petition under Section 125 Cr.P.C. claiming maintenance. They got married on 16.11.2019 and out of this wedlock, no child was born. Due to matrimonial dispute, she started residing separate with her parents and filed the application under Section 125 Cr.P.C. for grant of maintenance alongwith application for interim maintenance. The copy of application is Annexure P-1. The notice was issued to the respondent i.e. the present petitioner Manjit Singh for 02.09.2022. He appeared before the trial Court without any delay and it was adjourned for 14.10.2022 for filing of reply to the petition. Copy of order dated

02.09.2022 is Annexure P-2. The case was taken up for hearing on 12.10.2022 as the Presiding Officer was on leave on 14.10.2022. Therefore, the case was further adjourned to 11.11.2022. On 11.11.2022, he was granted last opportunity to file his reply and it was adjourned for 14.12.2022. The copies of zimni orders dated 12.10.2022 and 11.11.2022 is Annexure P-3. On 14.12.2022, on his failure to file written reply to the main petition as well as to the interim maintenance application, his defence was struck off. He filed another application to recall this order which was also declined vide order dated 01.05.2023. There was no intentional delay on his part. In fact the talk regarding compromise was going on and for this reason, he could not file his written reply. It is prayed that now the case is fixed for 14.07.2023 before the learned Principal Judge, Family Court, Barnala. He is ready to file his written reply to the main petition as well as to the application for interim maintenance. Hence, the present revision.

3. I have considered the arguments advanced by learned counsel for the petitioner. The aforesaid facts clearly indicate that the present petitioner was given sufficient time to file his written reply to the main case as well as to the application for interim maintenance, but he failed. Ultimately, the learned Principal Judge, Family Court, Barnala passed impugned order 14.12.2022 vide which his defence was struck off and subsequent application to recall the order was also declined vide order dated 01.05.2023. The case is still pending before the Court for the evidence of applicant Beant Kaur. It is in the interest of justice that the case is decided on merits by giving opportunity to both the parties to present their case. Since, the case is at initial stage, therefore, no purpose would be served by giving notice to the respondent Beant Kaur. However, she can be compensated by imposing cost on the petitioner – Manjit Singh. In view of these facts, the

CRR(F)-881-2023

-3-

learned Principal Judge, Family Court, Barnala is directed to give opportunity to the petitioner Manjit Singh to file written reply to the main case as well as to the application for interim maintenance on the next date fixed in the trial Court, subject to the payment of cost of Rs. 10,000/- by the petitioner Manjit Singh to the respondent Beant Kaur. Accordingly, the revision is accepted and the impugned order dated 14.12.2022 as well as order dated 01.05.2023 passed by learned Principal Judge, Family Court, Barnala are set aside.

The revision is accordingly, accepted.

(AMARJOT BHATTI)
JUDGE

01.06.2023

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