

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

CRM-M-32870-2023

Date of Decision: 12.07.2023

SUMEET SINGH @ SAIMI**... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner has assailed the orders dated 07.09.2022, Annexure P-2 and the order dated 13.06.2023, Annexure P-5 passed by the Court of learned Judicial Magistrate First Class, Amritsar vide which the defence of the petitioner has been struck off.

2. The respondent has instituted the proceedings under Section 12 of Protection of Women from Domestic Violence Act (for short 'the Act') against the petitioner.

3. Learned counsel for the petitioner contends that the marriage of the petitioner and respondent No.2 was solemnized on 04.12.2005 and a son has been born from the wedlock. Respondent No.2 has instituted the proceedings under the Act. At the initial instance, the written statement and the reply to the application for interim maintenance could not be filed and the defence of respondent No.2 was struck off in terms of the order dated 07.09.2022, Annexure P-2. Thereafter, the petitioner had moved an application for permission to file the written statement and the same has also been dismissed in terms of the order dated 13.06.2023, Annexure P-5.

4. It has been submitted that the delay has occurred on account of restricted hearing due to Covid-19 pandemic and the matter was earlier

referred to mediation which remained unsuccessful. It has also been submitted that even the cost was imposed to the tune of Rs.1000/- for the delay on the part of the petitioner which was to be deposited with the District Legal Services Authority and the same has not been deposited.

5. Learned counsel for the petitioner contends that the application for interim maintenance is yet to be finally disposed of and the matter in the trial Court is fixed for 13.07.2023. He only seeks one opportunity to submit the written statement. Furthermore, the written statement on behalf of other respondents in the main case, who are relatives of the petitioner has already been filed.

6. It may be mentioned here that the dispute between the parties has arisen out of the marital discord and it shall be appropriate if an opportunity is afforded to the petitioner and the controversy is adjudicated on merits. However, for the lapse on the part of the petitioner, he can be burdened with heavy cost and the respondent can be compensated in such a manner.

7. In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall submit the written statement in the trial Court on the next date of hearing i.e. 13.07.2023, subject to the condition that he shall pay cost to the tune of Rs. 20,000/- in the shape of demand draft in the name of the respondent No.2. Furthermore, the cost earlier imposed by the learned trial Court shall also be deposited by the petitioner by tomorrow before filing the written statement.

8. The copy of the order be given to learned counsel for the petitioner under the signatures of Bench Secretary.

12.07.2023

Janki

(VIVEK PURI)
JUDGE