

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

CRR(F) 1063/2023

Date of decision :-26.07.2023

Balwinder Singh

.....Petitioner

Versus

Manjit Kumari @ Manjit Kaur and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Sukhpreet Kaur, Advocate for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this Revision Petition is for setting aside order dated 24.4.2023 passed by the Principal Judge, Camp Court, Sri Anandpur Sahib vide which defence of the petitioner has been struck off in a petition filed by the respondent under Section 125 Cr.PC, for not filing written statement despite last opportunity, which was also subject to payment of costs of Rs.2000/-.

Learned counsel for the petitioner submits that petitioner is a truck Driver by profession and plies truck to different parts of India due to which he could not properly communicate with his counsel. It is further submitted that counsel before the Court below did not convey petitioner properly regarding the status of the case and hence, petitioner could not file reply in time. Learned counsel further submits that in these circumstances petitioner would suffer irreparable loss if the impugned order dated 24.4.2023 is not set aside. Learned counsel prays

for one effective opportunity to petitioner to file his written statement, subject to such costs as this Court may deem appropriate.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and impugned order dated 24.4.2023 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to file written statement, however subject to payment of Rs.5000/- as costs payable to the respondent.

Petition stands disposed of.

26.07.2023
Joshi

(**NIDHI GUPTA**)
JUDGE