

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

150

CR-4621-2023

Date of Decision:08.11.2023

REENA DEVI

....PETITIONER

VS

HARJEET PAL SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.

SANJAY VASHISTH J. (ORAL)

1. The order dated 18.09.2023 says as under:-

As a mark of respect, Members of the the Bar are abstaining from work today, an account of sad demise of Sh. SD. Sharma, Sr Advocate and former President, Punjab and Haryana High Court Bar Association, Chandigarh

On 17.08.2011, the following order was passed by this Court:

*Present: Mr. Rahul Jaswal, Advocate
for the petitioner.*

Present revision petition has been filed seeking issuance of direction to learned trial court for early disposal of the divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the petitioner-wife.

Learned counsel for the petitioner submits that respondent/husband appeared through Sh. Amit Saini, Advocate on 16.12.2021 before learned trial Court and despite affording him nine effective opportunities including burdening with costs four times, no written statement has been filed, which is violation of the provision Section 21 B(2) of Hindu Marriage Act, 1955, whereby the maximum period of filing of written statment is six months. Section 21 B(2) of the Hindu Marriage Act, 1955 reads as under:

‘(2) Every petition under this Act shall be tried as expeditioulsy as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.’

Notice of motion for 18.09.2023.

Learned trial Court concerned would find out the reason regarding delay and forward its report before the next date of hearing fixed before this Court.

To be shown in the urgent list.’

In compliance of the said order, a report dated 31.08.2023 of learned Principal Judge, Family Court, Pathankot has been received.

*In the interest of justice, adjourned to 08.11.2023.
To be shown in the urgent list.”*

2. Thereupon vide letter No.540 dated 31.08.2023 Principle Judge, Family Court, Pathankot informed learned District and Sessions Judge, Pathankot and contents of the said informative letter say as under:-

“Subject: Docket in CR No.4621 of 2023 in case titled as “Reena Devi Vs. Harjeet Pal Singh”.

With reference to order dated 17.08.2023 passed in CR-4621-2023 titled as “Reena Devi Vs. Harjeet Pal Singh” pending before Hon’ble High Court for 18.09.2023 as received from the office of your goodself vide endorsement No.3914-H dated 30.08.2023, I have the honour to submit that the petition under Section 13 of Hindu Marriage Act, 1955 titled as “Reena Devi Vs. Harjeet Pal Singh” is pending before this Court for 30.10.2023 for filing of written statement. The delay in filing of the written statement by the respondent is for the reason that he is suffering from Cancer as informed by his learned counsel as recorded in order dated 18.08.2022 passed by this Court. His learned counsel has obtained the adjournments because the respondent could not appear to sign the written statement due to his personal difficulty as well as for want of certain documents to be enclosed with the written statement.

It is further submitted that the next date of hearing has been fixed for making compliance subject to payment of costs Rs.300/- with the District Legal Services Authority, Pathankot and in case the compliance is not made, the appropriate order will be passed and the matter will be proceeded further expeditiously for its early disposal and to curtail any further delay. It is requested that this report may kindly be found satisfactory.

Thanking you,

Yours faithfully

*Pritpal Singh,
Principal Judge, Family Court
Pathankot.UID/PB0229”.*

3. In continuance of the earlier report, another letter No. 595 dated 03.11.2023 has been received by the Office of Registrar General of Punjab and Haryana High Court, Chandigarh from the Court of Principle Judge, Family Court, Pathankot informing therein that the respondent-husband has filed his written statement and has also paid the costs Rs.300/- with the District Legal Services Authority. However, none has appeared on behalf of the petitioner-wife on 30.10.2023 and again also, none has appeared on behalf of the

Informative part of the said letter say as under:-

From

*Pritpal Singh,
Additional District & Sessions Judge,
Principal Judge, Family Court,
Pathankot.UID No.PB0229*

To

*The learned Registrar General,
Hon'ble Punjab and Haryana High Court,
Chandigarh.
No.595 dated, Pathankot the 03.11.2023.*

*Subject: Docket in CR No. 4621 of 2023 in case titled as "Reena
Devi Vs. Harjeet Pal Singh". (Now fixed for
08.11.2023).*

Reference: Earlier report sent vide letter No.540 dated 31.08.2023.

Respected Sir,

*With reference to subject cited above and in continuation
of earlier report of this Court sent vide letter bearing No.540 dated
31.08.2023, I have the honour to submit that the respondent/husband
has already filed written statement and paid the costs in District
Legal Services Authority but none has appeared on behalf of
petitioner-wife on the last date of hearing i.e. 30.10.2023. Then the
matter was adjourned for 03.11.2023 awaiting appearance of
petitioner.*

*The petitioner did not appear on 03.11.2023 also and the
matter has been adjourned to 10.11.2023 awaiting her appearance
besides issuance of a court notice to her. It is for kind information
and further necessary action please in continuation of previous report
sent by this Court.*

Thanking you,

Yours faithfully

*Pritpal Singh,
Principal Judge, Family Court
Pathankot.UID/PB0229".*

4. Taking note of the fact that the written statement has already been filed and on last two dates, petitioner herself has failed to put in appearance in the Court, I do not find any reason to entertain this petition by issuing any specific time bound directions. However, Court would ensure that the hearing of proceedings of the petition filed by the petitioner are not adjourned without any substantial reason.

Accordingly, the present petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

08.11.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable: Yes/No