

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-5708-2023

Date of Decision: 11.12.2023

Preeti Raghav

....Petitioner

VERSUS

Parveen Kumar

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ritesh Tomar, Advocate and
Mr. Sumeet Jain, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Present civil revision petition has been filed by the petitioner against order dated 23.8.2023 (Annexure P-9) passed by the Court of Principal Judge, Family Court, Gurugram whereby the said Court has illegally dismissed the application filed by the petitioner seeking adjournment and resultantly, the said Court struck off the defence and disallowed the petitioner from filing written statement to the amended divorce petition filed by respondent-Parveen Kumar.

2. Counsel for the petitioner, while assailing the impugned order, submits that the allegations made in the amended divorce petition are totally false and the petitioner intends to file written statement to the same but no effective opportunity was given to the petitioner to file written statement to the amended divorce petition by the Court below. So, prayer is made that one opportunity be given to the petitioner to file written statement to the amended divorce petition.

3. Counsel appearing on behalf of the respondent, while supporting the impugned order, submits that there is no illegality in the impugned order and the prayer is made that the present petition be dismissed.

4. I have heard counsel for the parties.

5. This Court is of the view that proper opportunity should be given to the petitioner to file written statement to the amended divorce petition filed by the respondent (husband). Even otherwise provisions of Order 8 Rule 1 CPC are not mandatory in nature. So, without commenting on the merits of the case, the present petition is hereby allowed in the interest of justice and one last opportunity is granted to the petitioner to file written statement to the amended divorce petition on the next date fixed in the said petition i.e. 19.12.2023.

(KARAMJIT SINGH)
JUDGE

December 11, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No