

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

CR-5463-2022 (O&M)

Date of decision: 28.02.2023

Jyoti @ Rachna

...Petitioner

Versus

Neeraj

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Deepam Ragav, Advocate for the petitioner.

Ms. Navdeep, Advocate for

Mr. M.S. Sarao, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

In a divorce petition filed by petitioner Neeraj against his wife Jyoti @ Rachna pending before Principal Judge, Family Court, Gurugram, on notice the respondent had put in appearance and sought several adjournments for filing of written statement but the needful was not done, as such, vide impugned order dated 25.07.2022, the defence of respondent was struck off, leaving her aggrieved and she has knocked at the door of this Court by way of filing the present revision petition, notice of which was given to the respondent/husband, who has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

No doubt, the revision petitioner has been negligent in not filing the written statement within the stipulated period of 90 days of service of summons in terms of Order 8 Rule 1 CPC. She had availed of several opportunities for that purpose without actually filing the written statement.

However, it is always desirable to decide a lis on merits rather than non-suiting a litigant on technical grounds. The husband has filed a divorce petition against his wife and the matter is of serious nature affecting the life of both the spouses.

Under the circumstances, the revision-petitioner needs to be given one more opportunity to contest the case, though, on payment of costs. Therefore, the revision petition is allowed; the impugned order is set aside and the revision-petitioner/respondent is afforded one more opportunity to file written statement within 15 days from the date of receipt of order in the trial Court, subject to payment of Rs.10,000/- as costs. The costs would be paid to the petitioner-husband in the form of a demand draft in his name and on production of the demand draft only, the written statement filed by the revision petitioner would be accepted and then the case be proceed further on merits.

28.02.2023

sumit.k

(H.S. MADAAN)
JUDGE

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