

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

CR-871-2023 (O&M)

Date of decision: 15.02.2023

Rajandeep Kaur @ Lovely

...Petitioner

Versus

Rohit Kumar

...Respondent

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

Present: Mr. Gulrej Khan, Advocate for the petitioner.

H.S. MADAAN, J.

In a divorce petition filed by petitioner Rohit Kumar against his wife Rajandeep Kaur @ Lovely pending before Principal Judge, Family Court, Bathinda, the respondent/wife had availed of various opportunities to file written statement since 16.02.2021 without actually filing the same, therefore, finding no justification to adjourn the case further for the purpose of allowing the respondent to file written statement, her defence was struck off by the trial Court, vide order dated 12.10.2021 and the case was adjourned to 14.01.2022 for evidence of the petitioner.

Subsequently, the respondent filed an application under Section 151 CPC for grant of permission to her to file written statement which was opposed on behalf of the petitioner. It was dismissed, vide detailed order dated 21.09.2022.

That order was challenged by respondent/wife by way of Civil Revision Petition bearing No.5017-2022 before this Court, however, counsel for the petitioner made a statement that he be permitted to withdraw the revision petition allowing him to take recourse to other remedy available to the petitioner under law. Accordingly, the revision petition was dismissed as withdrawn and liberty asked for was granted. Copy of that order is available on the record of this revision petition.

Now again the respondent-wife has approached this Court by way of filing the present revision petition challenging order dated 12.10.2021 and 21.09.2022.

I have heard learned counsel for the revision petitioner besides going through the record and I find that the revision petition cannot proceed further and is liable to be dismissed. Once the revision petitioner had withdrawn the previous revision petition filed by her in which order dated 21.09.2022 had been challenged, the second revision petition in that regard is not maintainable.

Although, learned counsel for the petitioner has contended that in the earlier revision petition, order dated 12.10.2021 had not been challenged which is now being impugned in this revision petition, therefore the same is maintainable. However, I find this argument to be without any iota of merit. Order dated 12.10.2021 had in fact merged with order dated 21.09.2022. The revision petitioner having herself withdrawn the previous revision petition through her counsel, now she

cannot file a fresh revision petition in this manner. Finding no merit in the revision petition, the same stands dismissed accordingly.

15.02.2023
sumit.k

(H.S. MADAAN)
JUDGE

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