

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

262

CR No.6095 of 2022

Date of decision: 16.03.2023

Rekha

..... Petitioner

Versus

Vikram

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arjun Atri, Advocate
for the petitioner.

Mr. A.P. Setia, Advocate
for the respondent.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present civil revision petition has been filed challenging the order dated 07.12.2022 (Annexure P-7) by which, the application filed by the petitioner so as to allow her to file the written statement and to lead evidence, was declined.

Learned counsel for the petitioner argues that the divorce petition filed by the respondent was transferred from District Sonapat to District Kurukshetra on 11.01.2018 but without giving any opportunity to the petitioner-wife to file the written statement, the issues were framed by the trial Court.

Learned counsel for the petitioner submits that the process adopted by the Family Court in framing the issues without giving opportunity to the petitioner to file written statement is not in accordance with law. Hence, the petitioner filed an application so as to allow her to file

the written statement and thereafter proceed with the petition in accordance with law by allowing the petitioner to lead evidence in her defence. The said application has been dismissed by the trial Court, vide impugned order dated 07.12.2022.

Learned counsel for the petitioner further submits that only one opportunity may be granted, either on the next date of hearing or within a period of seven days from the next date of hearing fixed before the trial Court, within which period written statement will be filed by the petitioner and thereafter, the trial can be conducted by the trial Court by following the due process of law.

Learned counsel for the respondent submits that the petitioner is trying to take the benefit of inadvertent mistake of the Court in framing the issues without written statement but the petitioner kept quiet for a considerable period of time and only approached the Court when the divorce petition filed by the respondent was at the stage of final arguments. He further submits that in case the petitioner files the written statement as undertaken, he has no objection that the impugned order dated 07.12.2022 be set aside but the trial Court be bound to decide the divorce petition as expeditiously as possible as the same is pending for the last seven years.

Learned counsel for the petitioner submits that he has no objection in case the direction is given to the trial Court to dispose of the divorce petition in a time bound manner.

Keeping in view the fact that learned counsel for the respondent has not raised objection for setting aside the impugned order dated 07.12.2022 (Annexure P-7), the same is set aside and the revision petition is allowed with the observation that as undertaken by the petitioner, the written statement will be filed either on the next date of hearing or

within a period of seven days from the next date of hearing fixed before the trial Court, failing which, no further opportunity will be given.

It is made clear that in case the said opportunity is not availed, the present petition will be presumed to have been dismissed and the suit will continue from the stage where it is as on today.

In case, the written statement is filed within the time framed undertaken, the trial Court is directed to conclude the proceedings as expeditiously as possible, preferably within a period of six months after following due process of law.

16.03.2023
D.Bansal

(HARSIMRAN SINGH SETHI)
JUDGE

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