

CR-7327-2023

Date of Decision: 06.12.2023

Gurpreet Kaur

...Petitioner

Versus

Hardeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Ms. Neetu Singh Aashat, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.01.2023 (Annexure P-1) passed by the Ld. Addl. Principal Judge, Family Court, Ludhiana whereby defence of the petitioner has been struck off and order dated 06.09.2023 (Annexure P-2) vide which application of the petitioner for setting aside the order dated 04.01.2023, has been dismissed.

2. Learned counsel for the petitioner submits that on 09.11.2021 petitioner appeared in the Court and moved an application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter to be referred as 'the Act') which is not yet decided. She further submits that in the absence of any order regarding interim maintenance and litigation expenses the petitioner was not able to defend the petition properly. The Court below has asked the petitioner to file the written statement but the same could not be filed and defence of the petitioner has been struck off and the application under Section 24 of the Act is still not decided. She further submits that petitioner would be satisfied if one opportunity is granted to her to file the written statement.

3. Keeping in view that technicalities should not come in the way of

justice and it is the duty of the Court to do complete justice with the parties. The trial Court was required firstly to decide the petition under Section 24 of the Act before asking the petitioner to file written statement. So, in the interest of justice impugned order dated 04.01.2023 (Annexure P-1) and order dated 06.09.2023 (Annexure P-2) passed by the Ld. Addl. Principal Judge, Family Court, Ludhiana are hereby set aside and this petition is disposed of with a direction to the Family Court to give one opportunity to the petitioner to file the written statement on 12.12.2023 i.e. the date fixed before the Family Court or on very next date. Since petitioner is a lady and her application under Section 24 of the Act is not yet decided so costs is not imposed upon her.

4. In case of default, this order shall stand automatically vacated.

5. If the respondent is not satisfied with this order, he can move an application for recalling of this order within 30 days.

06.12.2023

Parveen kumar

**(GURBIR SINGH)
JUDGE**

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