

CR-7360-2023

Date of Decision: 07.12.2023

Pushpa Devi

...Petitioner

Versus

Harmesh Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Vikas Kumar Gupta, 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 15.11.2023 passed by the Ld. Principal Judge, Family Court, SBS Nagar, whereby an application filed by the petitioner for setting aside the *exparte* order dated 31.10.2023, has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner was regularly appearing in the Court but the other party moved an application for amendment of the main petition which was allowed and case was adjourned to 31.10.2023 for filing written statement to the amended petition. But on that date same could not be filed and the petitioner could not appear in the Court due to unavoidable circumstances and was proceeded against *exparte*. Thereafter, she immediately moved an application for setting side the *exparte* order dated 07.11.2023 explaining reasons for non-appearance but the same has been dismissed by the Court below. Learned counsel for the petitioner further submits that if one opportunity is given to the petitioner then she would file the written statement on next date i.e. 08.12.2023 fixed before the trial Court or on the very next date.

3. So in the interest of justice, order dated 15.11.2023 passed by the Ld. Principal Judge, Family Court, SBS Nagar is hereby set aside and this petition is disposed of with a direction to the trial Court to give only one opportunity to the petitioner to file written statement on the next date or on the date to be fixed by the Ld. trial Court but subject to payment of costs of Rs.2,000/- to be paid to the opposite party.

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.

07.12.2023

Parveen kumar

(GURBIR SINGH)
JUDGE

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