

2024:PHHC:018479

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

CR No.819 of 2024
Date of Decision: 09.02.2024

Akhil Agrwal
.....Revisionist-Petitioner.

Versus

Priyanka
.....Respondent.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rajiv, Advocate, appearing for
 Mr. Raj Kumar Rathore, Advocate,
 Legal Aid Counsel for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-husband (here-in-after to be referred as ‘the petitioner’) has laid challenge to the order (Annexure P-3) passed by learned Principal Judge, Family Court, Kurukshetra (for short ‘the Family Court’) on 22.09.2023 in the Divorce Petition **HMA-928 of 2022** titled as ‘**Priyanka Vs. Akhil Agrwal**’, whereby his right to defend has been struck-off, while observing that he had failed to file the written-statement despite availing several opportunities for this purpose.

2. I have heard learned counsel appearing for the petitioner in the present revision-petition, at the preliminary stage and have also perused the file carefully.
3. Though, the petitioner did not file his written-statement well in time but keeping in view the fact that in case, he is deprived of his

valuable right to file the same for defending himself in the afore-referred Divorce Petition, he would suffer an irreparable loss that may further lead to/result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if he (petitioner) is allowed to file his written-statement but subject to the payment of cost to the respondent-wife.

4. Resultantly, without issuing notice to the respondent-wife so as to avoid any further delay in the adjudication of the above-mentioned Divorce Petition and also to avert the expenses that she may have to incur to defend in this petition, the impugned order dated 22.09.2023 (Annexure P-3) is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned Family Court to afford only one opportunity to the petitioner to file his written-statement in the afore-said Divorce Petition but the payment of cost of Rs.15,000/- to the respondent-wife shall be a condition precedent for doing so and in case of default on the part of the petitioner in filing the written-statement or in the payment of cost on 23.02.2024, i.e the next date as stated to have been scheduled by the Family Court for hearing in the above-referred Divorce Petition, he shall not be entitled to any further opportunity for the afore-said purpose.

5. However, it is clarified here that in the eventuality of the respondent-wife feeling aggrieved by this order, she shall be at liberty to move an appropriate application to contest the instant petition.

February 09, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No