

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129 CR-1031-2024 (O&M)
Date of decision : 27.02.2024

Sangeeta ... Petitioner(s)
Versus
Rajeshwar ...Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Nehra, Advocate for the petitioner.
Mr. Shokeen Singh Verma, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 04.07.2023 passed by the Family Court, Camp Court at Gohana, Sonipat whereby the defense of the wife-petitioner herein has been struck off due to non-filing of the written statement.
2. The petition was filed by the husband-respondent under Section 13 of Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce. Despite numerous opportunities, the wife-petitioner failed to file her written statement and her defense was struck off vide order dated 04.07.2023. Thereafter, an application was filed by the wife-petitioner for permission to file the written statement, which was also dismissed vide order dated 06.02.2024. Hence, the present revision petition.
3. Learned counsel for the wife-petitioner has contended that given one opportunity, the wife-petitioner would file her written statement

and she is also willing to compensate the husband-respondent by way of costs.

4. *Per contra*, learned counsel for the husband-respondent has contended that despite 18 opportunities, the wife-petitioner has not filed her written statement and she is only trying to delay the proceedings. The learned counsel would further contend that the impugned order was rightly passed striking off the defense of wife-petitioner.

5. On 23.02.2024 notice of motion was issued returnable for today. After the Court had heard the case today and was in the midst of dictating the order, learned counsel for the husband-respondent has brought to the notice of the Court that the arguments have already been addressed in the present case and the matter is now fixed for pronouncement of judgment today. Learned counsel for the wife-petitioner did not deem it appropriate to bring the said fact to the notice of the Court.

6. Keeping in view the fact that learned counsel for the wife-petitioner chose not to bring to the notice of the Court that the matter was fixed for pronouncement today, this Court does not deem it appropriate to interfere in the present case.

7. The present revision petition stands dismissed. Pending applications, if any, also stand disposed off.

27.02.2024
Ankur

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO