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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-653-2024 (O&M)
Date of decision: 04.04.2024

Chetan Sharma and another

... Petitioners

Vs.

Rachna Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Punit Malik, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the order dated 04.01.2024 passed by the learned Judicial Magistrate 1st Class, Chandigarh, in a case bearing CIS No.MNT125/163/2021 titled as *Rachna Sharma Vs. Chetan Sharma etc.*, whereby the defence of the respondent has been struck off.

2. The marriage between petitioner No.1 and the respondent was solemnized on 12.05.2014 according to Hindi rites and rituals. Due to temperamental differences, the marriage between them could not survive. Thereafter, when petitioner No.1 neglected and refused to maintain the respondent, she filed an application seeking ad-interim maintenance to the tune of Rs.40,000/- per month. In that proceedings, the learned trial Court

granted several opportunities to the petitioners to file reply and income affidavit. However, the petitioners chosen not to file the same and ultimately, vide impugned order, the learned trial Court struck off their defence

3. Learned counsel for the petitioners, *inter alia*, contends that the learned trial Court has wrongly been passed the impugned order, striking off their defence and thus prays that in the interest of justice, one last opportunity may be granted to them to file the reply and income affidavit to lead their evidence.

4. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, the matter is taken up for final disposal.

5. A perusal of the zimni orders (Annexures P-1 to P-7) shows that the learned trial Court has granted sufficient opportunities to the petitioners to file the reply and income affidavits and in spite of that, the petitioners failed to file the same and ultimately, vide impugned order dated 04.01.2024, the learned trial Court has rightly struck off their defence.

6. Pertinently, a two Judge Bench of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha and another, (2021) 2 SCC 324***, while relying upon its judgment rendered in ***Kaushalya vs. Mukesh Jain, (2020) 17 SCC 822***, has categorically held that the concerned Courts may not grant more than two opportunities for submission of the Affidavit of Disclosure to be filed by the respondent. If the respondent seeks more than two adjournments for this purpose in order to unnecessarily delay the proceedings, the Court

may proceed to strike off the defence of the respondent and thereby, decide the application for maintenance on the basis of the affidavit filed by the applicant and the pleadings on record.

7. Keeping in view the facts and circumstances of the case, this Court finds no illegality or perversity in the impugned order, therefore, the present revision petition is dismissed.

04.04.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No