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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-514-2024 (O&M)
Date of decision: 15.04.2024

Nitesh Singal

... Petitioner

Vs.

Pooja

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amardeep Hooda, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the impugned order dated 07.02.2024 passed by learned Family Court, Rohtak, vide which right of the petitioner to file reply to the main petition filed by respondent under Section 125 Cr.P.C. has been denied.
2. The marriage between petitioner and the respondent was solemnized on 20.11.2018 according to Hindu rites and rituals. Due to temperamental differences, the marriage between them could not survive. Thereafter, when the petitioner neglected and refused to maintain the respondent, she filed an application seeking ad-interim maintenance. In that proceedings, the petitioner appeared on 17.12.2021 and took time to file the written statement. On 31.07.2023, while granting last opportunity, the case

was adjourned to 30.10.2023 for filing reply to the main petition as well as to the application for interim maintenance and with a further direction to the parties to file their respective affidavits of disclosure of assets and liabilities. On 30.10.2023, the petitioner filed the affidavit of disclosure of assets and liabilities and adjourned the case for 07.02.2024 for filing the reply to the application for interim maintenance as well as to the main petition. On 07.02.2024, reply to the application for interim maintenance was filed, but the same was filed without signatures of the petitioner and on the same day i.e. 07.02.2024, learned Court below has closed the right of the petitioner to file reply to the main petition. Aggrieved against the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is posted in Indian Army, therefore, he could not file reply to the application for interim maintenance as well as to the main petition and learned Principal Judge, Family Court, Rohtak, vide impugned order dated 07.02.2024, in an illegal and arbitrary manner, has curtailed the right of the petitioner to file reply.

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. From perusal of the record, it transpires that the petitioner had appeared before learned Court below on 17.12.2021 and since then, he availed numerous opportunities including two last opportunities for filing

reply to the main petition. Learned Court below has further recorded the finding that no record has been produced on behalf of the petitioner to suggest that he was not granted any leave after 17.12.2021. Perusal of order dated 30.10.2023 (Annexure P-1) would show that on 31.07.2023, last opportunity was granted to the petitioner to do the needful, however, he failed.

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.

[HARPREET SINGH BRAR]
JUDGE

15.04.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No