

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CRR(F)-550-2024 (O&M)
Date of Decision: 22.04.2024

Sarvesh Kumar

..... Petitioner

Versus

Sonam Kumari

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Himanshu Jain, Advocate
for the petitioner.

MANISHA BATRA, J.

1. Feeling aggrieved by the order passed by learned Additional Principal District Judge, Family Court, Ludhiana (for short 'the trial Court') on 14.02.2024 in maintenance Petition No. 125/164/2022 titled as '*Sonam Kumari Vs. Sarvesh Kumar*', whereby the right of the petitioner-respondent (here-in-after to be referred as 'the petitioner') to defend in the above-said maintenance petition, has been struck-off on account of his having failed to file his reply despite availing two effective opportunities for this purpose, he has preferred the instant criminal revision petition to lay challenge to the said order.
2. I have heard learned counsel for the petitioner in the present revision petition, at the preliminary stage and have also gone through the file carefully.
3. Though the petitioner did not file the reply well in time but however, keeping in view the fact that in case, he is deprived from filing the

same to defend in the afore-said maintenance petition, he would suffer an irreparable loss that may further lead to 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 would also be best served if he is allowed to file his reply but subject to the payment of cost to the respondent.

4. Resultantly, without issuing the notice to the respondent so as to avoid any further delay in the trial of the above-mentioned maintenance petition and also to avert the expenses that she may have to incur to defend in this petition, the impugned order dated 14.02.2024 is set-aside and the criminal revision petition in hand is, hereby, disposed of with the direction to the petitioner to file his reply in the said maintenance petition within a period of 10 (ten) days from the date of passing of this order but on payment of cost to the tune of Rs.20,000/- to the petitioner, which shall be a condition precedent for doing so and in case of default on his part in filing the reply or in the payment of the cost within the afore-referred period, he shall not be entitled to any further opportunity for the above-said purpose.

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

(MANISHA BATRA)
JUDGE

22.04.2024
Satyawar

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No