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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20330-2024 (O&M)
Date of decision: 25.04.2024

Dharamjeet Singh

... Petitioner

Vs.

Taranveer Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing order dated 19.10.2021 passed by the learned Principal Judge, Camp Court-cum-Family Court, Malerkotla, in a case bearing No.MNT125/219/2021 titled as *Taranveer Kaur Vs. Dharamjeet Singh*, whereby the defence of the respondent had been struck off.

2. The marriage between the petitioner and the respondent was solemnized on 22.08.2018 according to Anand Karaj ceremonies. 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 maintenance to the tune of Rs.20,000/- per month. In that proceedings, learned Family Court granted several opportunities to the petitioner to file reply. However, the petitioner chosen not to file the reply and ultimately, vide impugned order, learned Family Court struck off his defence.

3. Learned counsel for the petitioner, *inter alia*, contends that defence of the petitioner has been struck off, but he is ready and willing to file the reply and till date, final order has not been passed and even the witnesses are yet to be examined. As such, no prejudice would be caused to the respondent in case present petition is allowed and thus prays that in the interest of justice, one last opportunity may be granted to the petitioner to file the reply to lead his 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. From perusal of the record, it transpires that Mr. J.P. Kalia, Advocate appeared on behalf of the petitioner on 31.08.2019 and sought adjournment for filing the reply. Thereafter, learned Family Court granted sufficient opportunities to the petitioner to file the reply, out of which six effective opportunities were granted and in spite of that, the petitioner failed to file the same and ultimately, vide impugned order dated 19.10.2021,

learned Family Court rightly struck off his 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 petition is dismissed being bereft of any merit.

[HARPREET SINGH BRAR]
JUDGE

25.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No