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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-266-2021 (O&M)
Date of decision: 18.09.2024

Arvind Kumar

... Petitioner

Vs.

Gayatri and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Lal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition has been preferred against the order dated 22.07.2021 passed by learned Principal Judge, Family Court, Rewari, in a case bearing No.MNT-67-2020 titled as '*Gayatri and another Vs. Arvind Kumar*', vide which defence of the petitioner was struck off.
2. The marriage between the petitioner and respondent No.1 was solemnized on 08.03.2000 according to Hindu rites and rituals and out of this wedlock, two children i.e. one son and one daughter were born. Due to temperamental differences, the marriage between the parties could not



survive. Thereafter, the respondents filed a petition seeking interim maintenance. In that proceedings, learned trial Court granted several opportunities to the petitioner to file reply to the petition and reply to the application seeking interim maintenance. However, the petitioner chosen not to file the same and ultimately, vide impugned order, learned trial Court struck off his defence.

3. Learned counsel for the petitioner, *inter alia*, contends that the impugned order was passed on the premise that the petitioner has not filed his affidavit in terms of the guidelines issued by the Hon'ble Supreme Court in ***Rajnesh Vs. Neha and another, (2021) 2 SCC 324***, in spite of availing last opportunity. It is further contended that at the time, when the impugned order dated 22.07.2021 was passed, COVID-19 pandemic was in full swing, as such, the petitioner could not file his affidavit and learned trial Court wrongly struck off his defence. Thus, he prays that in the interest of justice, one last opportunity may be granted to the petitioner to file his affidavit declaring the assets, income and liabilities to lead his evidence.

4. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

5. A perusal of the impugned order shows that learned trial Court granted sufficient opportunities to the petitioner to file the reply and affidavit



declaring his assets, income and liabilities and in spite of that, he failed to file the same and ultimately, vide impugned order dated 22.07.2021, learned trial Court rightly struck off his defence.

6. Pertinently, a two Judge Bench of the Hon'ble Supreme Court in ***Rajnesh's*** case (*supra*), 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 his defence 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.

8. All the pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

18.09.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No