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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-878-2024 (O&M)
Date of decision: 10.07.2024

Rambir

... Petitioner

Vs.

Pooja and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Devender Arya, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the order dated 03.06.2024 passed by learned Principal Judge, Family Court, Narnaul, in case bearing No.MNT125/394/2019 titled as '*Smt. Pooja and others Vs. Rambir*', whereby the application filed by the petitioner seeking to file reply to the main petition has been dismissed.
2. Learned counsel for the petitioner, *inter alia*, contends that the marriage between the petitioner and respondent No.1 was solemnized on 02.11.2006 according to Hindu rites and rituals and out of this wedlock, two

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children i.e. one male child and one female child were born. Thereafter, due to temperamental differences, the marriage between them could not survive, as respondent No.1 was not satisfied with financial condition of the petitioner and she left the company of the petitioner on 27.09.2018 without any justifiable cause and presently, she is living with her parents and is filing various criminal complaints. She filed the application under Section 125 Cr.P.C. seeking maintenance to the tune of Rs.25,000/- per month and vide order dated 10.10.2019, the same was disposed of granting interim maintenance of Rs.3,000/- per month in favour of respondent No.1 and Rs.1500/- per month each in favour of respondents No.2 & 3. Thereafter, learned trial Court granted several opportunities to the petitioner to file reply to the main petition. However, the petitioner chosen not to file the same and ultimately, vide impugned order dated 03.06.2024, learned trial Court dismissed the application filed by the petitioner seeking to file reply to the main petition.

3. Learned counsel for the petitioner further contends that the petitioner has been deprived to file his reply. He approached learned Family Court seeking to file reply to the main petition on 18.04.2024, however, learned Family Court, Narnaul has rejected the application filed by the petitioner without any justifiable cause, thus, the order passed by learned Family Court is conjectural. The denial of filing the reply would amount to

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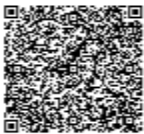


denial of right to fair trial and would defeat the ends of justice and it is prayed that in the interest of justice, one last opportunity may be granted to the petitioner to file the reply to lead the evidence.

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 record indicates that the main petition was filed on 02.03.2019 and the petitioner put in appearance on 26.07.2019 and thereafter, the case was adjourned to 07.09.2019 for filing the reply and last opportunity was granted on 10.10.2019 to file the reply, but the petitioner failed to do so, despite availing sufficient opportunities and he approached learned Family Court only on 18.04.2024 for filing the reply.

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

10.07.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No