



CR-4807 of 2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-4807 of 2024
Date of decision : August 27, 2024****Jagroop Kaur****..... Petitioner****Versus****Nihal Singh and another****..... Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA*********

Present : Ms. Satpreet Grewal Kapila Advocate
for the petitioner.

*********DEEPAK GUPTA, J (Oral)**

1. The petitioner is aggrieved by the impugned order dated 05.08.2024 passed by the Family Court, CC Dasuya whereby defence of the petitioner (respondent before the trial court), has been struck off.
2. Learned counsel for the petitioner contends that petitioner is residing in USA. She is a single mother taking care of one child, due to which she could not file the written statement in time.
3. A perusal of the impugned order would reveal that petitioner had earlier appeared through her counsel on 26.04.2022 but was proceeded ex-parte on 07.02.2023. Her application for setting aside the ex-parte order was allowed on 17.10.2023. The matter was adjourned again for filing the written statement. Despite availing many opportunities including the last opportunity, she failed to file written statement and ultimately her defence was struck off on 05.08.2024.

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4. Although, the conduct of the petitioner does not entitle her to provide opportunity to file written statement, but considering the circumstances pointed out by the learned counsel for the petitioner, trial court is directed to provide one opportunity to the petitioner to file the written statement subject to Rs.20,000/- as costs payable to the respondent-husband by way of Demand Draft in his favour.

5. The petition is allowed accordingly by setting aside the impugned order.

6. Since this order has been passed without issuing any notice to the respondent, therefore the respondent will be at liberty to approach this Court, in case , he feels aggrieved.

(DEEPAK GUPTA)
JUDGE

August 27, 2024
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Whether speaking/reasoned
Whether Reportable :

Yes
No