

224-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1360-2023 (O & M)
Date of decision: 05.04.2024

HARPREET SINGH
V/S
HARPREET KAUR
...PETITIONER
...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Archana, Advocate for
Mr. Sarju Puri, Advocate for the petitioner.
Mr. Naresh Kumar, Advocate for
Mr. Krishan Singh Dadwal, Advocate for respondent.

HARPREET SINGH BRAR J. (ORAL)

CRM-39580 of 2023

The present application has been filed under Section 5 of Limitation Act for condonation of delay of 211 days in filing the accompanying criminal revision.

For the reasons mentioned in the application, same is allowed and the delay of 211 days in filing the accompanying criminal revision is condoned.

MAIN CASE

The present revision petition has been preferred against the order dated 17.11.2022 passed by the learned Additional Principal Judge, Family Court, Hoshiarpur, in a case bearing CIS No.MNT125/163/2021 titled as *Rachna Sharma Vs. Chetan Sharma etc.*, whereby the defence of the petitioner has been struck off.

2. The marriage between petitioner and respondent was solemnized on 06.12.2014 according to Sikh rites and rituals. Due to temperamental

differences, the marriage between them could not survive. Thereafter, when petitioner neglected and refused to maintain the respondent, she filed an application seeking ad-interim maintenance to the tune of Rs.10,000/- per month. In that proceedings, the learned trial Court granted several opportunities to the petitioner to file reply and income affidavit. However, the petitioner chosen not to file the same and ultimately, vide impugned order, the learned trial Court struck off his defence.

3. Mr. Krishan Singh Dadwal, Advocate has put in appearance on behalf of the respondent and filed his *vakalatnama*, which is taken on record. Registry is directed to tag the same at the appropriate place.

4. Learned counsel for the petitioner, *inter alia*, contends that the learned trial Court has wrongly been passed the impugned order, striking off his defence and thus prays that in the interest of justice, one last opportunity may be granted to him to file the reply and income affidavit to lead his evidence.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, the matter is taken up for final disposal.

6. A perusal of the impugned order shows that the learned trial Court has granted sufficient opportunities to the petitioner to file the reply and income affidavits and in spite of that, the petitioner failed to file the same and ultimately, vide impugned order dated 17.11.2022, the learned trial Court has rightly struck off his defence.

7. Pertinently, a two Judge Bench of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha and another, (2021) 2 SCC 324*** has relied upon its judgment rendered in ***Kaushalya vs. Mukesh Jain, (2020) 17 SCC 822*** to categorically hold 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.

April 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |