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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 10th September, 2024

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CM(M) 2255/2024 & CM APPL. 19419/2024 & CM APPL.
29801/2024

AMITA CHANANA

.....Petitioner

Through: Mr. Prashant Mendiratta with
Ms.Somyashree and Ms. Neha Jain,
Advocates.

versus

SIDDHARTH SOOD

.....Respondent

Through: Mr. Rohit Sharma, Mr. Jatin Lalwani
and Mr. Nikhil Purohit, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a petition seeking divorce filed by the husband.
2. When the above said petition came up for consideration before the learned Judge, Family Court on 13.02.2024, noticing that the written statement had not been placed on record and holding that the delay was deliberate, ordered striking off the defence of such wife (petitioner herein) and fixed the matter for PE.
3. Such order is under challenge.
4. Learned counsel for the respondent/husband appeared on the last date of hearing also and had stated that he would have no



objection if the petition was to be allowed.

5. According to the learned counsel for the petitioner, he was in no position to file Written Statement as the set of the plaint supplied to them was not legible. He contends that it was only for the above said precise reason that he had apprised the learned Trial Court on 13.02.2024, expressing his inability to file written statement for want of legible set of plaint and documents.

6. Ideally, since the counsel for the respondent/husband was also present in the Court that day, the Court could have easily insisted for supplying another set of plaint and documents to the petitioner but the learned Family Court, instead, straightway adopted the extreme adverse option by ordering striking off her defence.

7. The matter is reportedly fixed before the learned Family Court on 12.09.2024.

8. It is undertaken by learned counsel for the respondent that he would supply a complete legible set of the plaint and all the documents to the opposite side before the learned Family Court.

9. Let hard copy as well as soft copy of complete legible set of the plaint and documents be provided to the petitioner before the learned Family Court on the date fixed i.e. 12.09.2024.

10. In order to ensure that there is no further controversy in this regard, the learned Trial Court would also get it verified that a complete legible set had been provided and, thereafter only, the



petitioner herein would file her written statement within 30 days. It is clarified that the period of 30 days would thus start to run from the date when the legible set of plaint is supplied to the petitioner herein, as the plaint and documents are reportedly running into 800 odd pages.

11. The petition stands disposed of in the above terms.

12. Keeping in mind the overall facts and circumstances of the case, this Court does not find it to be a fit case where any cost needs to be imposed.

13. Copy of the order be given Dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

SEPTEMBER 10, 2024
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