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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 15th July, 2024***

+ CM(M) 1156/2023 & CM APPL. 37238/2023, CM APPL. 40475/2023

MS PREETI SAINI

.....Petitioner

Through: Mr. Niranjana Bharti, Advocate with
petitioner in person.

versus

MR ANKIT CHOPRA

.....Respondent

Through: Ms. Tanu Singhal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Article 227 of the Constitution of India.
2. Petitioner herein is defendant before the learned Trial Court and is defending a petition filed by her husband seeking annulment of the marriage under Section 12 of the Hindu Marriage Act, 1955.
3. It is noticed that despite due service, the petitioner herein did not file written statement before the learned Trial Court. Therefore, her right to file written statement was closed and her defence was also struck off.
4. The petitioner an application, purported to be an application under Order IX Rule 7 CPC, however, the same was also dismissed by the learned Trial Court.
5. Aggrieved by the aforesaid order, the present petition has been



filed.

6. During course of the consideration, learned counsel for the respondent, on instructions, states that she does not want to delay her matter any further and would have no objection if the petitioner herein is permitted to participate in the proceedings. It is also informed that her written statement is already on record and a copy thereof has already been received by the respondent/husband.

7. Keeping in mind the overall facts and circumstances of the case, the nature of the petition, whereby, the plaintiff before the learned Trial Court is seeking annulment of the marriage and also considering the fact that Ms. Tanu Singhal, learned counsel for the respondent has instructions that respondent has no objection if the present petition is allowed, the petition is, hereby, allowed.

8. It is clarified that the written statement, which is already on record, would be deemed to be on record. Petitioner herein would also be at liberty to lead her defence before the learned Trial Court.

9. It is, however, clarified that the petitioner herein would not seek any unnecessary adjournment and would cooperate with the learned Trial Court so that the petition reaches its logical conclusion as expeditiously as possible.

10. Petition is, accordingly, disposed of.

(MANOJ JAIN)
JUDGE

JULY 15, 2024/st