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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17185 OF 2024**

Simran Ravi Chugh	... Petitioner
VS.	
Ravi Inderlal Chugh	... Respondent

Mr. Chottu Penthalia(through VC) for Petitioner.

Mr. Ashwin Sawlani a/w. Mr. Rishabh Tiwari for Respondent.

CORAM : GAURI GODSE, J.

DATED : 9th JULY 2025

ORDER:

1. This petition is filed by the petitioner-wife to challenge the order rejecting her application for setting aside 'No WS' order, for condonation of delay in filing the application and permission to file a written statement.

2. Learned counsel for the petitioner submits that the written statement is ready and the same will be filed immediately as per the time granted by this court. Learned counsel for the petitioner submits that 'No WS' order was passed on 10th March 2023. He submits that the application at Exhibit-17 was filed on 21st July 2023. However, the same was rejected on the ground that the proper application for condonation of delay and permission to file

a written statement was not filed. He submits that thereafter, a separate application for condonation of delay, affidavit-in-support, delay condonation in filing the written statement and permission to file written statement were separately filed. He submits that the delay in filing the written statement was unintentional and immediately after 'No WS' was passed on 10th March 2023, the application was filed on 21st July 2023.

3. Learned counsel for the petitioner further submits that the respondent-petitioner has filed the petition for the dissolution of marriage by making serious allegations against the petitioner. He therefore submits that if the petitioner is not permitted to file a written statement, serious prejudice would be caused to her. He therefore submits that the applications be allowed and the petitioner be permitted to file her written statement.

4. Learned counsel for the respondent opposes the petition on the ground that the delay in filing the written statement is deliberate and no explanation is given for condonation of the delay. He submits that the petition for dissolution of marriage is pending since, 2020 and thus, in the absence of any reason for condonation of delay, the petitioner would not be entitled to file the written statement.

5. I have perused the papers of the petition. The petition for

divorce in the trial court is filed by respondent-husband making serious allegations against the petitioner-wife. From the record, it appears that the petitioner appeared in the trial court on 17th January 2023 and the case was adjourned by consent. On the next date i.e 10th March 2023. The petitioner had filed an application at Exhibit-15; however, 'No WS' order was passed. Learned counsel for the petitioner submits that since, the documents were not supplied to the petitioner, the application at Exhibit-15 was filed. Thus, it appears that though the application was filed by the petitioner on 10th March 2023, time was not granted to file written statement and on the same day 'No WS' order was passed. On the next date i.e. 12th June 2023, the entry in roznama indicates that the case was adjourned as the court was busy in hearing other matters. Thereafter, immediately, on the next date i.e on 21st July 2023, the petitioner had filed an application for setting aside 'No WS' order and permission to file written statement. A perusal of the order passed on that application, records rejection on the ground that the application was not a proper application with a prayer for condonation of delay. In view of this order, the petitioner filed three separate applications at Exhibits- 23, 25 and 26 for condonation of delay, setting aside 'No WS' order and permission to file written statement.

6. Thus, the three applications are rejected on the ground that on 10th March 2023, the petitioner had filed an application at Exhibit-15 and that she has filed the application as documents were not supplied to the petitioner. In the impugned order, learned Judge has further observed that no such ground is raised by the petitioner regarding non supply of documents. The learned judge further observes that from 21st July 2023 till 12th February 2024, the petitioner had not filed any application for condonation of delay. Thus, the reasons for rejecting the petitioner's application appear to be hyper-technical. Since, the petitioner had made an application on 10th March 2023, it cannot be said that there was any deliberate attempt on the part of the petitioner to delay the proceedings. Such applications seeking permission to file written statement cannot be decided with a hyper technical approach. The petitioners' right to file written statement cannot be foreclosed on such unreasonable grounds. Hence, this is a fit case to exercise power under Article 227 of the Constitution of India to interfere with the impugned order.

7. The petition is therefore allowed by passing the following order:

- I) Order dated 2nd August 2024, passed by the 3rd Joint Civil Judge, Senior Division, Kalyan below Exhibit-23, 25 and 26 in Marriage Petition No. 43 of 2020 is quashed and

set aside.

II) The applications at Exhibits-23, 25 and 26 are allowed.

III) 'No WS' order passed on 10th March 2023 is quashed and set aside.

IV) The petitioner i.e. respondent in Marriage Petition No. 43 of 2020 is permitted to file written statement within four weeks from today.

8. Writ Petition is allowed in the aforesaid terms.

(GAURI GODSE, J.)