

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****202****CR-6728-2024 (O&M)****Date of Decision : 14.02.2025**

Balwinder Kaur

....Petitioner

VERSUS

Bagga Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Arora, Advocate for the petitioner.

Mr. Angrej Kumar, Advocate for

Mr. Vipul Aggarwal, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Challenge in the present revision petition is to order dated 30.04.2024 whereby the defense of the petitioner herein has been struck off.
2. The respondent herein had filed a petition under Section 25 of the Guardians and Wards Act, 1890 read with provisions of Hindu Minority and Guardianship Act, 1956 seeking custody of the two minor children.
3. Learned counsel for the petitioner would contend that given one opportunity the petitioner would file her written statement. It is further the contention that the petitioner is working as a labourer in Tehsil Ajnala and hence she is facing difficulty in attending the Court proceedings.
4. Learned counsel for the respondent would contend that the present petition may be allowed subject to costs.
5. Heard.

6. In the present case the petitioner is stated to be working as a labourer and is looking after her two minor children. The written statement could not be filed by her despite six opportunities. However, keeping in view the nature of litigation, this Court deems it fit to grant one opportunity to the petitioner to file her written statement within a period of 15 days from today.

7. The argument of learned counsel for the respondent that the present petition be allowed only subject to costs is rejected in view of the fact that the petitioner, who is a labourer and is looking after her two minor children, would find it very difficult to pay any costs.

8. In view of the above, the present revision petition is allowed. The petitioner is granted one opportunity to file her written statement within a period of 15 days from today. It is made clear that in case the written statement is not filed within a period of 15 days from today, the present revision petition shall be deemed to having been dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

14.02.2025

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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO