

2025:PHHC:117163



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CRR(F)-1273-2025 (O&M)
Date of Decision: 01.09.2025**

SURESH KUMAR

... Petitioner

VERSUS

MANISHA YADAV AND ANOTHER

... Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Saurabh Sheoran, Advocate for the petitioner.

SHALINI SINGH NAGPAL, J. (ORAL)

Learned counsel for the petitioner submits that a petition under Section 144, the Bharatiya Nagarik Suraksha Sanhita, 2023, was filed by respondents claiming maintenance allowance. The petitioner/husband put in appearance for the first time on 15.01.2025, pursuant to summons (Annexure P-2) and on that day, on request, the case was adjourned to 18.03.2025 for filing reply to the main petition and the application for interim maintenance. On 18.03.2025, vide order Annexure P-4, last opportunity was granted to the petitioner to file written statement and reply, subject to payment of cost of Rs.500/- and the case was adjourned to 31.05.2025. When the petitioner/husband failed to file a written statement despite last opportunity and failed to pay cost as well, vide impugned order dated 31.05.2025, opportunity to file written statement and reply was closed under Section 35-B of the Code of Civil Procedure.



Learned counsel for the petitioner further submits that due to miscommunication by counsel, the written statement could not be filed and petitioner be afforded single opportunity to file written statement in order to avoid prejudice to his rights.

To avoid harassment of litigation to the respondent/wife, the order is being passed without issuing any notice to respondents.

The case, under Section 144, the Bharatiya Nagarik Suraksha Sanhita, 2023, which was been instituted on 12.09.2024, is relatively new one. Opportunity to file written statement has been denied to the petitioner/husband only after two dates of hearing and for non-payment of costs of Rs.500/-. Defence of the petitioner/husband should not be scuttled in haste as interest of justice requires an adjudication on merits.

In this view of the matter, order dated 31.05.2025 of learned Additional Principal Judge, Family Court, Bhiwani, is hereby set aside. Learned Additional Principal Judge, Family Court, Bhiwani shall grant one more opportunity to the petitioner/husband to file written statement on the date already fixed before the trial Court i.e. 13.11.2025, subject to payment of Rs.5,000/- as costs, which shall be paid to respondent-wife in the first instance.

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Application for staying operation of impugned order dated 31.05.2025 is disposed of as having been rendered infructuous.

**(SHALINI SINGH NAGPAL)
JUDGE**

SEPTEMBER 01, 2025.

Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No