

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

CR-5934-2025

Date of decision: 29.08.2025

Dr. Apoorva Kamboj

...Petitioner

Versus

Rishabh Srivastava

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Kuldeep Sharma, Advocate for the petitioner.

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**DEEPAK GUPTA, J. (ORAL)**

1. This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 10.03.2025 passed by Ld. Additional Principal Judge, Family Court, Gurugram in case No.HMA-732-2024, whereby the defence of the petitioner has been struck off.

2. It is contended by learned counsel that husband-Dr. Rishabh Srivastava (respondent herein) filed a petition under Section 13 of Hindu Marriage Act, seeking a decree for dissolution of marriage, regarding which the respondent-wife i.e. petitioner herein received notice on 03.10.2024. As she was transferred to Panchkula on deputation from Gurugram, so, counsel engaged by her appeared in the Court and filed his memo of appearance and sought time to file the power of attorney. Matter was adjourned to 20.01.2025 on which date again, the matter was adjourned to 10.03.2025 for filing written statement subject to Rs.2000/- as costs. The cost was paid immediately and matter was adjourned to 10.03.2025. On the adjourned date, power of attorney was filed on behalf of the respondent-wife i.e. petitioner herein but reply was not filed, due to which her defence was struck off. Learned counsel submits that due to some personal difficulty, petitioner-wife could not appear before the Court concerned so



as to file the written statement. Learned counsel seeks one opportunity to the petitioner so as to file the written statement and oppose the divorce petition.

3. Notice of motion.

4. Sh. Mayank Mathur, Advocate has put in appearance on behalf of the respondent and filed his memo of appearance and submits that ex-parte evidence has already been recorded and the case is now fixed for 09.10.2025 for arguments.

5. Considering the facts that case is at initial stage and dissolution of marriage is a serious issue, for which the wife should get sufficient opportunity, the present petition is hereby accepted. The impugned order is set aside and the petitioner herein i.e. the wife is granted one opportunity to file the written statement before the trial Court concerned. The said order is subject to Rs.5000/- as cost payable to the respondent herein i.e. husband. The said cost would be paid by way of demand draft. It is made clear that in case, the petitioner herein i.e. wife fails to file her written statement on or before 09.10.2025 i.e. the date already fixed before the trial Court concerned, then the impugned order shall remain in operation and this order shall have no effect.

6. Disposed of.

**29.08.2025**

*Yogesh*

**(DEEPAK GUPTA)  
JUDGE**

**Whether speaking/reasoned:-  
Whether reportable:-**

**Yes/No  
Yes/No**