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

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CRR-523-2026

Date of decision :25.02.2026

Sunita

..... Petitioner

V/S

Padma Rani

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Shubham Aggarwal, Advocate for petitioner.

AMARJOT BHATTI J. (ORAL)

1. Petitioner – Sunita has filed criminal revision under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside impugned order dated 16.01.2026 passed by learned Judicial Magistrate Ist Class, Ambala in Domestic Violence Act case No.27 of 2023 titled “*Padma Rani v. Sunita*” whereby the defence of the petitioner-Sunita was struck off, with the prayer to grant one opportunity for filing written reply or any other relief which the court may deem fit and proper in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that the complaint under Section 12 of the Protection of Women from Domestic Violence Act has been filed by Padma Rani (mother-in-law) against the petitioner-Sunita, who is widowed daughter-in-law. The copy of petition is Annexure P-2. In the said petition, petitioner (respondent in the main case) appeared and contested the application. She filed application for dismissal of said application, which is declined. The application filed by petitioner (mother-in-law) claiming interim



maintenance is also declined. The matter also came up before the Mediation and Conciliation Centre, but the matter could not be settled. The case was fixed for filing of written reply. However, the counsel representing present petitioner could not file written reply due to unavoidable circumstances. As a result, the defence of the petitioner (respondent in the main case) has been struck off vide impugned order dated 16.01.2026. It is submitted that petitioner daughter-in-law (respondent in the main case) will suffer great prejudice in case she is not granted one opportunity to file her written reply.

3. I have considered the factual position. Learned counsel for petitioner has placed on record all relevant documents for proper adjudication of the present case. Therefore, no purpose will be served by issuing notice to the respondent (applicant in the main case). I have considered the arguments and gone through the zimni orders annexed with the present petition (Annexure P-1). Present petitioner (respondent in the main case) appeared in person on 29.08.2023 and the matter was referred to Mediation Centre, Ambala to explore the possibility of compromise. As per the report of Mediation and Conciliation Centre, Ambala, matter remained unsettled. On 18.01.2024, present petitioner filed application for rejection of the complaint. Reply to said application was filed as per Zimni order 19.07.2024. On the request of counsel for both the parties, as per Zimni order dated 26.03.2025, the matter was again referred to Mediation and Conciliation Centre and as per order dated 22.04.2025, as per the report of mediation, it remained unsettled. Finally, the application filed by the present petitioner (respondent in the main case) for dismissal of application under Domestic Violence Act, was declined vide order dated 03.07.2025 and application filed by Padma Rani (applicant in the main case) claiming interim

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maintenance was also declined vide order dated 03.07.2025. Thereafter, present petitioner (respondent in the main case) was directed to file written reply on 26.09.2025. On two dates i.e. 9.12.2025 and on 16.01.2026 when the written reply was not filed, the defence of present petitioner (respondent in the main case) was struck off. Now, the next date fixed in this case is 20.03.2026.

4. Considering the aforesaid factual position, it is evident that despite given three effective opportunities, present petitioner (respondent in the main case) did not file her written reply. At the same time, it cannot be ignored that for final adjudication of the case, the stand taken by present petitioner (respondent in the main case) is also material. The learned counsel for petitioner stated that the written reply will be filed before the trial court on or before next date of hearing. It will be appropriate that the case is decided on merits. Therefore, present petitioner-Sunita, is given one more opportunity to file written reply on or before next date of hearing, subject to payment of cost of Rs. 5,000/- before High Court Legal Services Committee.

5. Present criminal revision is accordingly allowed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

25.02.2026.*Sunil Devi*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No