



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 270 of 2026

23 July, 2026

--Appellant

Versus

--Respondent

Presence:

Ms. Sukhwani Singh and Mr. V.V. Gautam, learned counsel for appellant.

Mr. Pankaj Kumar Sharma, learned counsel for respondent.

**Coram: Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.**

Per: Hon'ble Pankaj Purohit, J.

The present appeal has been preferred by the appellant-wife under Section 19 of the Family Courts Act, 1984, assailing the judgment and order dated 01.07.2026 passed by the learned Additional Principal Judge, Family Court, Haridwar in O.S. No. 179 of 2024

Vs. _____, whereby, her right to file defence was closed and the matrimonial proceedings were directed to proceed *ex parte* against her.

2. The facts in brief are that the marriage between the parties was solemnized on 30.04.2015. The respondent-husband instituted proceedings for dissolution of marriage under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, which were subsequently transferred by the Hon'ble Supreme Court to the Family Court, Haridwar and registered as O.S. No. 179 of 2024.



During pendency thereof, appellant-wife was awarded ₹5,000/- towards litigation expenses and ₹200/- as travelling expenses per hearing vide order dated 30.05.2026. On 01.07.2026, though the appellant appeared and sought time to file her written statement, learned Family Court rejected her request, closed her right of defence and directed the proceedings to continue *ex parte*. Hence, the present appeal.

3. Learned counsel for appellant-wife submits that learned Family Court erred in proceeding *ex parte* against her despite her presence before the Court on 01.07.2026. It is contended that she had sought further time to file her written statement, as the litigation expenses awarded by learned Family Court had not been paid by respondent-husband, due to which she could not effectively defend the proceedings. It was, therefore, submitted that closing her right of defence was unjustified.

4. Per contra, learned counsel for respondent-husband submits that the litigation expenses of ₹5,000/- along with travelling expenses of ₹200/-, had been tendered/deposited on 01.07.2026 itself. Therefore, appellant's plea that she could not file her written statement on account of non-payment of litigation expenses was without substance, and learned Family Court committed no error in passing the impugned order.

5. Having heard learned counsel for the parties and having perused the material available on record, this Court is of the considered opinion that impugned order warrants interference. Admittedly, appellant-wife was present before learned Family Court on 01.07.2026 and had sought further time to file her written statement on



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the ground that litigation expenses awarded to her had not been paid. Thus, it cannot be said that she was unwilling to participate in the proceedings. Even if the litigation expenses of ₹5,000/-, along with travelling expenses of ₹200/-, were tendered by respondent-husband on 01.07.2026 itself, appellant-wife ought to have been afforded a reasonable opportunity thereafter to file her defence. The direction for expeditious disposal of matrimonial proceedings cannot be construed to mean that a reasonable opportunity of hearing should be denied to either party. In these circumstances, closing the appellant's right of defence and proceeding *ex parte* against her was not justified.

6. Accordingly, the present appeal is allowed. Impugned order dated 01.07.2026 passed by learned Additional Principal Judge, Family Court, Haridwar in O.S. No. 179 of 2024 ----- Vs.

Dhiman, is hereby set aside.

7. Appellant-wife is granted 15 days from today to file her written statement, whereafter learned Family Court shall proceed with the matter expeditiously, without granting unnecessary adjournments.

8. Pending application stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

23.07.2026

PN/-