

**IN THE COURT OF MS. CHARU AGGARWAL:
ADDITIONAL SESSIONS JUDGE-02; E COURT: SHAHDARA:
KARKARDOOMA COURT: DELHI.**

Crl. Appeal No. 46/2026

Raj Kumar
s/o Sh. Jai Prakash Sharma
r/o House No. 144/1, Indira
Colony, Hisar Road, Rohtak,
Haryana-122001.

..... Appellant.

Versus

1. Preeti
w/o Sh. Raj Kumar

2. Atharv
s/o Sh. Raj Kumar

3. Akshita
d/o Sh. Raj Kumar

**All r/o A-8/644, Amar Colony,
East Gokulpuri, Delhi-110094.**

..... Respondents.

Date of filing	:	10.02.2026
Date of arguments	:	01.04.2026
Date of order	:	01.04.2026

ORDER

1. The present appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter “DV Act”) has been preferred by the appellant/husband challenging the order dated 14.01.2026 passed by the Learned Judicial Magistrate First Class (Mahila Court-03),

Shahdara, whereby the defence of the appellant was struck off and his right to file written statement was closed in complaint case no. Ct.1103/2024 under Section 12 of DV Act.

2. Respondent no.1 is appellant's wife and respondents no.2 and 3 are their children respectively. The relevant facts are that the appellant and respondent no.1 were married on 11.02.2008 and have two minor children (respondents no.2 and 3). Due to matrimonial discord, the parties separated in June 2024. Respondent no.1 thereafter filed a complaint under Section 12 of DV Act. The appellant was duly served in July 2024. Vide order dated 30.09.2024, the trial court directed the appellant to pay ad-interim maintenance of Rs.15,000 per month for the children. Despite service, the appellant failed to file written statement for a considerable period. On 25.02.2025, he filed an application challenging territorial jurisdiction, which was dismissed on 15.10.2025. On 14.01.2026, the trial court struck off his defence and closed his right to file written statement, noting irregular payment of maintenance.
3. The appellant has assailed the impugned order on grounds of violation of natural justice, contending that his application on jurisdiction was pending, and due to the demise of his father on 09.11.2025, he could not file written statement within time. Learned counsel for appellant has submitted that the appellant is ready and willing to clear arrears of maintenance within two months.
4. Learned counsel for respondent no.1 has argued that

the appellant was given sufficient opportunities since August 2024 but failed to file written statement for nearly 18 months, and also defaulted in payment of interim maintenance. It is submitted that the trial court rightly struck off his defence.

5. I have considered the rival submissions and perused the record.

6. It is undisputed that the appellant was served in 2024 and had ample opportunity to file written statement. However, the principles of natural justice require that a party be afforded reasonable opportunity to contest the case, particularly where rights of minor children and family are involved. The appellant has explained the delay citing pendency of jurisdiction application and bereavement in family. He has now undertaken to clear arrears of maintenance.

7. The striking off of defence is a drastic measure, to be resorted to only in cases of contumacious conduct. While the appellant's conduct shows negligence, in the interest of justice and to ensure fair adjudication, one final opportunity deserves to be granted, subject to strict conditions. Accordingly, appellant is directed to:

- file his written statement before the trial court within **two weeks** from today;
- clear all arrears of interim maintenance within a month from today;
- continue to pay regular monthly maintenance of Rs.15,000 without default.

8. It is made clear that in case of default in compliance of the above directions, the order striking off defence shall stand revived automatically, without further reference to the Court.

The impugned order dated 14.01.2026 striking off the defence and closing the right to file written statement is set aside.

The appeal is disposed of accordingly. Trial court record be sent back with a copy of this order.

Announced in the open
Court on 01.04.2026

(Charu Aggarwal)
ASJ-02/E-Court/Shahdara
KKD/Delhi.