

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 2335 of 2025**

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PATEL SANKETKUMAR BABULAL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR FAIZAL F MEMAN(13147) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 2,3
UTKARSH SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 06/01/2026

ORAL ORDER

1. Issue Rule. Rule is fixed forthwith. Despite notice being served upon Respondent Nos. 2 and 3, none appears. The present applicant is assailing the order dated 10.11.2025 passed by the Ld. Principal Family Court at Bharuch below Exh. 20 in Criminal Misc. Application No. 301 of 2025, whereby the right of the present applicant to file a written statement (WS) came to be rejected mainly on the ground that the opponent had filed the vakalatnama on 29.07.2025 after remaining present on 22.07.2025 and, despite being given ample opportunity to file the written statement, failed to do so within the stipulated time. Consequently, the right to file the WS was closed, and in the absence of satisfactory reasons to re-open the stage of WS, the application came to be rejected. However, on perusal of the endorsement filed by the Ld. Advocate for the wife, it transpires that if costs are imposed and the right to file the WS is opened, he has no objection.

2. Without discussing the matter in much detail, it is evident that no prejudice would be caused to the respondent if the right to file the WS is

re-opened, more particularly when the cross-examination of the wife is being undertaken by the present applicant. It appears that a hyper-technical view has been taken by the Ld. Principal Family Court, Bharuch, while rejecting the application. The interest of justice would be served if the right to file the WS is re-opened with a direction that the applicant shall file the written statement within 10 days from today and deposit costs of Rs. 1,500/- before the Legal Services Authority, Bharuch. Upon deposit of such amount, the Family Court shall take the WS on record.

3. In view of the aforesaid, the present application is allowed. Rule is made absolute. The order dated 10.11.2025 passed by the Ld. Principal Family Court at Bharuch below Exh. 20 in Criminal Misc. Application No. 301 of 2025 is hereby quashed and set aside.

Direct service is permitted.

MMP

(P. M. RAVAL, J)