

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 15073 OF 2025
(ARISING OUT OF SLP(CIVIL) NO. 11282 OF 2025)

SHRADDHA ASHISH DESHBHRATAR ...APPELLANT(S)

VERSUS

**ASHISH RAMCHANDRA
DESHBHRATAR**

.RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant is aggrieved by the final judgment and order dated 28.08.2024 passed by the High Court of Judicature of Bombay, Nagpur Bench in W.P. No. 6247 of 2023 whereby the writ petition filed by the appellant was dismissed and the order dated 25.06.2022 passed by the Civil Judge (Senior Division), Nagpur in H.M.P. No. 386 of 2021, rejecting the appellant's application for permission to file her written statement, was affirmed. The appellant is the wife and defendant before the Trial Court and respondent is the husband and plaintiff. For the sake of convenience, the parties shall be referred to in terms of their status before this Court.

3. The facts giving rise to the present appeal are as follows:
 - 3.1. The respondent instituted H.M.P. No. 386 of 2021 before the Court of the Civil Judge (Senior Division), Nagpur, seeking a decree of judicial separation under Sections 10(1) read with Section 13(1)(i-a) of the Hindu Marriage Act, 1955, along with a claim for compensation of ₹25 lakhs.
 - 3.2. Summons in the said proceedings were issued on 21.09.2021 and were served upon the appellant on 14.01.2022. She entered appearance through counsel and was granted time by the Trial Court to file her written statement.
 - 3.3. Since she could not file her written statement within the statutory time frame, she filed an application on 28.04.2022 seeking more time to file her written statement.
 - 3.4. By order dated 25.06.2022, the Trial Court rejected the said application, *inter alia*, on the ground that the application was not supported by an affidavit and did not disclose any reasons explaining the delay in filing the written statement.
 - 3.5. Aggrieved by the aforesaid order, the appellant invoked the writ jurisdiction of the High Court of Judicature at Bombay, Nagpur Bench, by filing Writ Petition No. 6247 of 2023.

- 3.6. The High Court, by the impugned judgment and order dated 28.08.2024, dismissed the Writ Petition and affirmed the view taken by the Trial Court, holding that the appellant had failed to furnish any justification for the delay of 14 days and had adopted a casual approach in pursuing her remedies.
4. Heard learned counsel for the appellant.
5. Despite service of notice, no one entered appearance on behalf of the respondent.
6. The High Court denied the relief merely on the ground that no justification was given. It further noted that that this casual approach persisted even at the writ stage, inasmuch as the writ petition itself was filed after a delay of approximately one year and three months from the date of the Trial Court's order, without any explanation whatsoever for such delay. It went on to question the *bona fides* of the appellant, despite acknowledging the fact that denial of the opportunity to file written statement could seriously prejudice the appellant's defence.
7. In our considered view, the High Court has adopted a strict approach in declining to interfere with the order of the Trial Court, placing its reliance on strict procedural rigours. It is a settled principle that procedural requirements, though essential for orderly conduct of proceedings, are not intended to

be applied in a manner that eclipses the duty of the court to render effective justice. Discretion rests with the courts to adopt a pragmatic approach in cases where rigid adherence may result in denial of a fair opportunity to parties. Considerations of procedural discipline, therefore, ought to be balanced with the overarching obligation to ensure that adjudication proceeds on merits, particularly in matrimonial matters.

8. In the present case, the appellant has submitted that her inability to file the written statement timely was occasioned by circumstances beyond her control. As per the material placed on record, she is unemployed, has limited formal education, and lacks legal awareness of procedural requirements. At the relevant time, she was residing with her aged parents and was financially dependent upon her elderly father, who earns his livelihood as a daily wage worker. It is also required to be considered that the delay was merely of 14 days, and the same was neither deliberate nor *mala fide* and can be attributed to the hardships faced by her.
9. In view of the foregoing discussion, and having regard to the peculiar facts and circumstances of the case, we are of the considered view that the ends of justice would be met by affording the appellant an opportunity to contest the proceedings on merits.

The delay in filing the written statement is accordingly condoned.

10. The impugned judgment and order dated 28.08.2024 passed by the High Court of Judicature at Bombay, Nagpur Bench, in Writ Petition No. 6247 of 2023, as well as the order dated 25.06.2022 passed by the Trial Court rejecting the appellant's application for extension of time to file the written statement, are set aside. The said application is allowed.
11. The appellant shall be permitted to file her written statement before the Trial Court within a period of four weeks from today. The Trial Court shall thereafter proceed with the matter in accordance with law.
12. Accordingly, the appeal is allowed.
13. Pending application(s), if any, shall be disposed of.

.....J.
[VIKRAM NATH]

.....J.
[N.V. ANJARIA]

NEW DELHI
DECEMBER 19, 2025