

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision(FC) No.24 of 2026

Decided on: 18.09.2026

Hans Raj	... Petitioner
Versus	
Kumari Vandana (Minor) & others through their mother and natural guardian, Smt. Ahilya Devi	... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Hon’ble Mr. Justice Yogesh Jaswal, Judge.

Whether approved for reporting?¹Yes

For the petitioners:	Mr. Munish Datwalia, Advocate.
For the respondents:	Mr. Ashish Verma, Advocate.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

- “a) Set aside order dated 12.02.2026 passed by the
learned Additional Sessions Judge (Family Court),
Sundernagar, District Mandi, H.P.
- b) Permit the petitioner to participate in the proceedings
and contest the petition on merits.”

2. In terms of the impugned order, an application filed by
the present petitioner before the Court of learned Additional
Principal Judge, Family Court, Sundernagar, to recall order dated
02.09.2025, in terms whereof, the petitioner herein was proceeded
against *ex parte* by the learned Court below, was dismissed for non-
appearance on the part of the present petitioner.

3. When this case was listed on 03.09.2026 before this
Court, it passed the following order:-

“*Heard for some time. Though this Court does not find*

¹ Whether reporters of the local papers may be allowed to see the judgment?

any perversity in the impugned order, but in case the petitioner is willing to compensate the respondents monetarily, then this Court may consider the request of the petitioner, as made by way of this petition.

Learned counsel for the petitioner accordingly prays for time to have instructions as to whether the petitioner is willing to pay costs of ₹30,000/- to the respondents, in the event of the petition being allowed. If the petitioner is so willing, then an appropriate draft of the said amount be furnished in the Court, drawn in favour of the respondent-wife.

List on 18.09.2026"

4. Learned Counsel for the petitioner submitted that the petitioner is not willing to pay the cost.

5. Having heard learned Counsel for the parties and having gone through the impugned order, we are of the considered view that no case has been made out by the petitioner to call for any interference with the impugned order.

6. It is a matter of record that in the proceedings instituted against the petitioner by his wife, he was proceeded against *ex parte* on 02.09.2025. Obviously, the reason as to why the petitioner was proceeded against *ex parte* was that despite service he failed to put in an appearance before the learned Court below. His act of omission did not end here. For the recall of said order, he moved an application before the learned Court below. This application was listed on 12.02.2026. On 12.02.2026, the case was called out in the pre-lunch session, but none appeared for or on behalf of the petitioner to argue the said application before the learned Court

below. In the said circumstance, learned Court below passed over the matter and ordered it to be listed in the post-lunch session. In the post-lunch session also, none appeared for the petitioner and accordingly, on account of non-appearance on the part of the petitioner, the application was dismissed in default.

7. In light of the fact that the petitioner was earlier proceeded against *ex parte* on account of his non-appearance before the learned Court below despite service and further, his application for recalling the order was dismissed in default as none appeared on behalf of the petitioner to pursue the said application, we do not find any infirmity in the order passed by the learned Court below. It was the duty of the petitioner to have had diligently followed his application and as it is not the case of the petitioner that despite someone having put in an appearance on his behalf, a wrong order was passed by the learned Court below, we do not see any reason to interfere with the impugned order.

8. Accordingly, as there is no merit in the present petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 18, 2026
(Rishi)