



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 401 of 2025

16 July, 2026

Sanjeev Bhardwaj

--Appellant

Versus

Jyoti Alias Seema

--Respondent

Presence:

Mr. Manoj Mohan, learned counsel for appellant.

None present for respondent after sufficient service.

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

Per: Hon'ble Pankaj Purohit, J.

This appeal from order has been preferred under Section 19 of the Family Courts Act, 1984 against judgment and order dated 08.10.2025 passed by learned Judge, Family Court, Chamoli in Misc. Case No.04 of 2025 *Sanjeev Bhardwaj Vs. Jyoti @ Seema*.

2. The facts of case are that marriage between the parties was solemnized on 06.02.2010 and two children were born out of the wedlock. Matrimonial disputes arose between the parties, whereupon respondent-wife instituted a petition for dissolution of marriage before learned Civil Judge (Senior Division), Rudraprayag, which came to be dismissed on 20.12.2018. Thereafter, respondent-wife instituted Matrimonial Suit No.9 of 2019 before learned Civil Judge (Senior Division), Karnaprayag, wherein, an *ex-parte* judgment and decree dated 18.11.2019 dissolving the marriage was passed. Subsequently, appellant instituted Misc. Case No.4 of 2025 before learned Judge, Family Court, Chamoli at Gopeshwar under Order IX Rule 13 of the Code of Civil



Procedure along with an application under Section 5 of the Limitation Act seeking condonation of delay of 5 years, 7 months and 9 days, and setting aside of the *ex-parte* judgment and decree dated 18.11.2019. Learned Family Court, vide order dated 08.10.2025, dismissed both the applications. Aggrieved thereby, appellant has preferred the present appeal.

3. Learned counsel for appellant submits that learned Family Court has erred in dismissing the applications under Section 5 of the Limitation Act and Order IX Rule 13 CPC without appreciating that appellant-husband had never been personally served with summons in the matrimonial proceedings. It was contended that the *ex-parte* decree dated 18.11.2019 was passed solely on the basis of substituted service through newspaper publication and that the appellant acquired knowledge of the decree only on 26.05.2025, whereafter he promptly approached the Court.

4. It was further submitted by learned counsel for appellant that respondent-wife had earlier instituted a divorce petition before the competent Court at Rudraprayag, which stood dismissed, and thereafter filed another petition before the Court at Karnaprayag on false and fabricated facts. It was argued that the learned Family Court failed to consider these material aspects while rejecting the appellant's applications.

5. Having heard learned counsel for the appellant and having perused entire material available on record, this Court is of the considered opinion that no ground for interference with the impugned order is made out. Learned Family Court has assigned cogent and well-reasoned findings while rejecting the appellant's



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applications under Section 5 of the Limitation Act, and consequently, dismissing the application under Order IX Rule 13 CPC as highly time barred. Appellant-husband has failed to furnish any sufficient cause explaining the inordinate delay in approaching the Court. No perversity or illegality is discernible in the impugned order warranting interference in exercise of appellate jurisdiction.

6. Accordingly, the present appeal is dismissed. Order dated 08.10.2025 passed by the learned Judge, Family Court, Chamoli at Gopeshwar is hereby affirmed.

7. Pending application stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

16.07.2026

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