

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 821 OF 2009

Vijay Sahebrao Bahirat	.. Applicant
vs.	
Sau Minal Vijay Bahirat	.. Respondent

None for the Petitioner.
None for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 8 May, 2015.

P.C. :-

1] This Revision Application questions the order dated 2 September 2009 made by the 2nd Joint Civil Judge, Senior Division, Pune allowing the respondent's application below Exhibit-1 and setting aside the *ex-parte* decree dated 23 November 2005 passed in Marriage Petition No. 163 of 2005.

2] Upon perusing the impugned order, it appears that the summons in Marriage Petition No. 163 of 2015 was not served upon the respondent. Without satisfaction on the aspect of service of summons, *ex-parte* decree dated 23 November 2005 came to be made. In such circumstances, *ex-parte* decree came to be set aside by the impugned order dated 2 September 2009. It cannot be said that there is any jurisdictional error in making the impugned order. This

is also not a case where the learned Civil Judge, in exercise of his jurisdiction, can be said to have acted with material irregularity.

3] Accordingly, this Revision Application is dismissed. The interim order granted on 18 February 2010 is vacated.

4] Since neither parties nor their advocates appearing in the matter, Registry to forward the authenticated copy of this order to the 2nd Joint Civil Judge, Senior Division, Pune, so that Marriage Petition No. 163 of 2005 can proceed further after furnish of due notice to the parties. This may be done within a period of six weeks from today.

(M. S. SONAK, J.)

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