

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 1951 of 2015 (O&M)

Date of decision : August 14, 2015

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Vikram

.....Petitioner

Versus

Archana @ Bevi

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Vineet Sharma, Advocate for the respondent.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The petitioner has filed this revision petition against the order dated 20.1.2015 passed by the Additional District Judge, Amritsar whereby an application made by Smt. Archana-respondent under Order 9 Rule 13 read with Section 151 CPC for setting aside the ex parte judgment and decree dated 2.9.2013 passed by the Additional District Judge, Fast Track Court, Amritsar has been allowed.

The grievance of the applicant Smt. Archana was that her husband had filed a divorce petition at Amritsar and had given her address as “resident of Gali no.3, Sunder Nagar, Amritsar.” The applicant was never residing at this address at Amritsar. When the notice of the divorce petition was sent, a report was received that she had refused to receive the notice and as such she was proceeded

against ex parte. Thus the decree of divorce was obtained by the husband of the applicant by playing fraud by giving fake address.

On notice of the application, the husband of the applicant did not deny the assertion of the applicant-wife that she was not resident of the above said address at Amritsar. Another fact which the trial Court took into consideration was that the husband of the applicant was facing the proceedings under Section 125 Cr.P.C filed against him by applicant-wife and which are pending in a Court at Distt. Gurdaspur and in which he has been summoned at his native address of Navi Abadi, G.T Road, Dhariwal, Distt. Gurdaspur. He was also facing inquiry at SSP Office, Gurdaspur.

After going through the order, it transpires that the address of the applicant (respondent-wife) given in the divorce petition was wrong and since the service was effected at the wrong address, the report of refusal to accept notice could not be used against the applicant. Hence the trial Court has rightly accepted the application to set aside the judgment and decree dated 2.9.2013. An opportunity has been granted to the applicant Archana to file her written statement and contest the divorce petition on merits. No ground is made out to interfere in the impugned order.

In view of all that has been discussed above, present revision petition stands dismissed.

August 14, 2015
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(**RITU BAHRI**)
JUDGE