

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.2453 of 2015 (O&M)

Date of decision: 09.04.2015

Sumit

... Petitioner

versus

Minakshi

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Dalip Kumar Tuteja, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petition by the husband for dissolution of marriage which took place on 06.10.2011 had been filed on 24.02.2012 was on a plea that there was extreme hardship and special circumstances that compelled him to file a petition within a period of 1 year. The court did not dispose of the petition, kept it pending for 4 years and has ultimately declined the petitioner the permission as sought for. It makes meaningless the entire exercise, if the court was only retaining the petition without disposal and passing ultimately an order which is unfair. The court has, after allowing the trial to progress and after examination of all the witnesses, suddenly woke

up to realize that an application was pending under Section 14 of the Hindu Marriage Act and proceeded to dismiss it. The order is patently wrong and unjust. I dispense with notice to the respondent and direct that the court issues notice to the respondent and inform about the case to continue to proceedings. It shall not be necessary for the petitioner to bring all the witnesses again and the case will continue from the stage when the petitioner's witnesses had been examined and retain the proof affidavits filed by his witnesses. The initial institution must be taken as instituted after the period of 1 year, if the court had not already passed an order for allowing the petitioner to institute the petition within a period of 1 year. There shall be no objection taken on the maintainability of the petition, for, it is no fault of a party when the court did not do its duty which it was bound to exercise within reasonable time.

2. The impugned order is quashed and the civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

09.04.2015
sanjeev