

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

112

CR-6185-2015

Date of Decision:18.09.2015

SUPREET SINGH KAHLON

... Petitioner

Versus

HIMI SHARMA

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.S. Batth, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This is a revision petition against the order dated 18.08.2015 vide which application under Section 9 Rule 13 CPC read with Section 151 CPC for setting aside the ex parte decree of divorce dated 20.05.2015 has been allowed.

[2]. In the application under Order 9 Rule 13 CPC, respondent-wife alleged that divorce has been taken by giving her wrong/previous address. Since May, 2013, she has shifted to house No.41-A Green Field, Phase-II, Majitha Road, Amritsar and this address was known to the husband-petitioner. Respondent-wife also filed a case under Domestic Violence Act on 15.11.2014 in which husband-petitioner appeared on 31.01.2015 and on that very day divorce petition in question has been filed by the husband by showing respondent-wife to be resident of old address. When notices were issued to the respondent-wife, Process Server made a report on 13.02.2015 and 03.03.2015 that the respondent-wife is not residing at the

given address. Still substituted service sought to be effected under Order 5 Rule 20 CPC on old address and the petitioner-husband was successful in obtaining ex parte decree dated 18.08.2015.

[3]. Respondent-wife has successfully demonstrated before the trial Court that she was not living at old address. Her new address was very much in the knowledge of the petitioner-husband when he appeared in the proceedings of Domestic Violence. Despite the report of Process Server to the effect that respondent-wife is not living at the given address, the petitioner-husband proceeded to serve the respondent-wife by means of substituted service that too on the old address.

[4]. No illegality is found in the order setting aside the ex parte decree by the trial Court. Consequently, this revision petition is dismissed.

September 18, 2015
prince

(RAJ MOHAN SINGH)
JUDGE