

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6441 of 2015
Date of decision : September 29, 2015

Arvinderpal Singh

..... Petitioner

Versus

Manbinder Kaur

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sumeet Puri, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The challenge in the present petition is to the order whereby the application filed by the respondent-wife for revival of the petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') has been allowed.

Learned counsel appearing on behalf of the petitioner-husband submits that after filing of the divorce petition under Section 13 of the Act, at the instance of the respondent-wife, a compromise was arrived at between the parties and accordingly a petition under Section 13-B of the Act was filed. Both the parties suffered a statement at the first motion. As a matter of fact, the petition was adjourned for six months. However, husband did not suffer a statement at the second motion. Therefore, on the second motion, proceedings under Section 13-B of the Act were rendered infructuous.

He further submits that the trial court ought not to have allowed the application filed by the respondent-wife for revival of the divorce petition filed under Section 13 of the Act. He further submits that an application seeking transfer of the divorce petition from Nawanshahar to any other District in Punjab has been filed, as the respondent-wife is working as Steno in Nawashahar District.

I have heard learned counsel for the petitioner and appraised the paper book.

It is a matter of record that during the pendency of the petition under Section 13-B of the Act, a compromise was arrived at between the parties but the husband, at the second motion stage, did not suffer a statement which resulted into rendering the petition under Section 13-B as infructuous. The instant remedy for the wife was to move an application for revival of the petition filed under Section 13 of the Act. The trial court vide the impugned order 9.9.2015 ordered and allowed the revival of the petition. There cannot be said to be any illegality and perversity in the order reviving the petition and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

September 29 , 2015
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