

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

**FAO No. M-85 of 2014
DATE OF DECISION :- July 20, 2015.**

Paramjit Kaur

...Appellant

Versus

Paramjit Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present:- Mr. M.S. Saini, Advocate
for Mr. K.S. Dhaliwal, Advocate for the appellant.

Mr. Vaibhav Narang, Advocate for the respondent.

M.JEYAPPAUL, J.

FAO No. M-85 of 2014

Aggrieved by the ex-parte judgment passed by the trial Court granting a decree of dissolution of marriage in the petition under Section 13 of the Hindu Marriage Act, 1955 filed by the husband, the wife has come forward with the present appeal.

Cruelty was the ground set up by the husband for divorce.

Counsel appearing for the appellant would submit referring to paragraph 2 of the impugned judgment that service was allegedly effected only through Munadi. It is his submission that appellant Paramjit Kaur is residing only at the address mentioned in the petition for divorce filed by the husband. Despite such detailed address furnished by the respondent,

no personal service on the appellant was effected.

Learned counsel appearing for the respondent also would fairly submit that notice was served only through Munadi as observed by the trial Court in paragraph 2 of the impugned judgment.

As it is demonstrated that the appellant is residing at the address furnished in the petition, but Munadi service alone was effected on the appellant, we are of the considered view that the impugned judgment should be set aside and the matter remanded to the trial Court for fresh trial.

In view of the above, the impugned judgment stands set aside and the matter is remanded to the trial Court to give a fresh opportunity to both sides to lead evidence and pass judgment in accordance with law. The appeal is disposed of accordingly.

Both the parties shall appear before the trial Court on 20.8.2015.

C.M. No. 3797-CII of 2014 and
CMM No. 35 of 2014

As the main appeal has been disposed of today, the above applications have become infructuous and stand disposed of as such.

(M. JEYAPPAUL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

July 20, 2015
p.singh