

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

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Civil Revision No. 5556 of 2016

Date of Decision: August 30, 2016

NEERAJ KOHLI

-PETITIONER

VS

PALLVI GOOMER@ PALLVI KOHLI

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sushant Kohli, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

In this revision petition, petitioner has assailed order dated 10.07.2016 passed by District Judge, Panchkula whereby petitioner was directed to come present in person for recording his statement in second motion.

Learned counsel for the petitioner contends that the first motion in a petition under Section 13-B of Hindu Marriage Act, 1955 was recorded on the basis of Special Power of Attorney appeared on behalf of the petitioner.

Learned counsel for the petitioner also submits that pursuant to order dated 25.04.2016, Special Power of Attorney

authorizing him to make statement on behalf of petitioner No.1 was also filed.

In view of decision rendered in **Jaspreet Kaur Dhaliwal vs Kulwinder Singh 2016(1) Law Herald (P&H) 737 (DB)**, it has been contended that the petitioner who is living abroad cannot be compelled to come personally for recording his statement in second motion. A Special Power of Attorney has been executed for this purpose, whose statement would suffice to serve the purpose of recording statement in second motion in a petition under Section 13-B of the Hindu Marriage Act, 1955.

Learned counsel for the petitioner also submits that bonafides of the parties are not in doubt since first motion has already been recorded through Special Power of Attorney. In the impugned order, the parties have been directed to appear in person. Perusal of impugned order reveals that no mandatory/default clause has been recorded that in the event of non-appearance of petitioner No.1 in person, the second motion would be of no avail.

In considered opinion of this Court, the petitioner can approached the District Judge, Panchkula on the strength of

Special Power of Attorney having due authorization to make statement on behalf of the petitioner and the judgment rendered in **Jaspreet Kaur Dhaliwal vs Kulwinder Singh 2016(1) Law Herald (P&H) 737 (DB)**, to seek exemption from personal appearance for making statement in second motion. In case, such an application is moved, the same shall be decided in accordance with law without being influenced by any observation made by this Court in the order.

Disposed of.

August 30, 2016

jyoti Y.

(RAJ MOHAN SINGH)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No