

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6165 of 2016
Date of Decision.20.09.2016

Mrs. Paramjit Kaur

.....Petitioner

Vs.

Gurdev Singh

.....Respondent

Present: Mr. S.P. Soi, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

As per the decision dated 23.11.2015, the divorce petition bearing No.20 of 2015 titled “Mrs. Paramjit Kaur Vs. Gurdev Singh” was decreed ex parte.

Mr. S.P. Soi, learned counsel for the petitioner submits that the aforementioned judgment and decree has attained finality, for, there is no application at the instance of husband for setting aside the ex parte judgment and decree. He submits that due to inadvertence, the age of the petitioner had been written as 41 years instead of 48 years and in this backdrop of the matter, the application was moved but the same has been dismissed in a sketchy and mechanical manner. No harm or prejudice would be caused to the other side as the mistake is to be rectified and this fact is supported by the date of birth shown in the passport as 18.01.1967 and at the time when the divorce petition was filed, she was 48 years of age.

I have heard learned counsel for the petitioner, appraised the paper book and in view of the fact that the respondent was proceeded ex parte, there is no need for issuing notice. Correction sought to be made viz-a-viz the age is most innocuous and can be rectified. No doubt it cannot be

said to be a defect in the decree as the decree was passed on the basis of the averments and the pleadings disclosed in the petition.

Keeping in view the peculiar facts and circumstances of the case, particularly when the date of birth of the petitioner is 18.01.1967, the correction is required to be made in order to prevent the wrong reckoning of the age of the petitioner in view of the judgment and decree aforementioned. The age of the petitioner is amended as 48 instead of 41 as shown in the judgment and decree. This order of mine shall not be considered as a precedent.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

September 20, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No