

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6109 of 2017 (O&M)
Date of decision: 11.09.2017

Sumer Singh (deceased) through LR

... Petitioner

Vs.

Roshni and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 31.07.2017 (Annexure P-1) passed by the learned Additional District Judge, whereby application under Order 9 Rule 13 of the Code of Civil Procedure filed by respondent No.1-wife was allowed and ex-parte decree of divorce dated 28.10.2013 was set aside, petitioner, who is not party to the divorce petition, has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

Before passing the impugned order, learned Additional District Judge discussed each and every relevant aspect of the matter and came to a definite finding in para 11 of the impugned order to the effect that the respondent-wife, who was applicant before the learned Additional District

Judge, was not properly served in the main divorce petition. When confronted with this glaring fact to show anything contrary, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Once the respondent-wife was not properly served during pendency of the divorce petition before she was proceeded against ex-parte, the learned Court below committed no error of law, while passing the impugned order and the same deserves to be upheld.

Admittedly, petitioner is the daughter of Sh. Sumer Singh and respondent Smt. Roshni. Now her own child is trying to find more than one faults with her mother-respondent Smt. Roshni, now widow of late Sh. Sumer Singh, opposing the impugned order, so as to enable the petitioner to receive the entire amount on account of retiral benefits left behind by Sh. Sumer Singh-her father to the complete exclusion of her mother from the retiral benefits. However, neither the petitioner has got any locus standi to challenge the impugned order nor the impugned order has been found suffering from any patent illegality on merits and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the

considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

11.09.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No