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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7176-2015 (O&M)
Date of Decision : 04.12.2017

KISHORI LAL

....PETITIONER

VERSUS

LAKSHMI DEVI @ LACHHMI DEVI

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. S.K. Verma, Advocate for the petitioner.

Mr. Sanchit Punia, Advocate for the respondent.

B.S. WALIA, JUDGE (ORAL)

[1] Learned counsel for the respondent has brought to the notice of the Court that the divorce petition filed by the petitioner stands dismissed by the learned District Judge, Family Court, Hisar vide order dated 17.09.2015 by passing the following order:-

*“Present : None on behalf of the petitioner.
Sh. Anuj Gupta, counsel for the respondent.*

Today the case was fixed for making payment. However, none has appeared on behalf of the petitioner despite the fact that the case has been called several times since morning. It is already 3.40 p.m. Accordingly, the present petition stands dismissed in default under Order 9 Rule 8 CPC. File be consigned to records.

*Announced:
17.9.2015*

*(P.R. Sharma)
District Judge, Family Court,
Hisar”*

[2] As on date, there is no change in the status of the case before the learned District Judge, Family Court, Hisar. Learned counsel states that apparently no application was moved for recall of order, dismissing the divorce petition in default under Order 9 Rule 8 of the CPC and in view thereof, the present petition for setting aside order dated 13.08.2015, dismissing the application of the respondent for conducting DNA test has become infructuous.

[3] Statement of learned counsel for the respondent is taken on record.

[4] In view thereof, the revision petition is dismissed as having become infructuous. However, liberty is granted to the petitioner to move an application for restoration of the revision petition if the circumstances of the case so warrant.

[5] Revision petition is dismissed as having become infructuous, with the liberty aforesaid.

(B.S. WALIA)
JUDGE

December 04, 2017

rajneesh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No