

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CR-7229-2016

Date of Decision:27.07.2017

Sukhjeet Kaur

.....Petitioner

Versus

Gurtej Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

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

None for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 02.08.2016 (Annexure P-6) passed by the learned matrimonial court, whereby notice was issued to the respondent-husband from the jail authorities, for his appearance to ascertain as to whether he wants to contest the divorce petition or not, petitioner-wife has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued. However, nobody has put appearance on behalf of the respondent.

Heard learned counsel for the petitioner.

The only ground taken on behalf of the petitioner is that unless the earlier order dated 18.05.2016, whereby the respondent was proceeded

against ex parte would have been set aside, the learned matrimonial court

should not have passed the impugned order dated 02.08.2016 (Annexure P-6). However, this solitary argument raised on behalf of the petitioner would lose its significance, in view of the passing of subsequent order dated 22.08.2016 (Annexure P-7) by the same matrimonial court. It is so said because the production warrant issued by the learned court of competent jurisdiction, received back with the report that the respondent facing trial has been released from Central Jail, Sirsa and he was no more confined in District Jail, Sirsa.

After perusal of the said report, learned matrimonial court issued notice of the petition to the respondent for 16.09.2016 vide its order dated 22.08.2016. It is also pertinent to note that the later order dated 22.08.2016 (Annexure P-7) is not under challenge in the present revision petition. Having said that, this Court feels no hesitation to conclude that the learned matrimonial court committed no error of law, while passing the impugned order and the same deserves to be upheld. Learned counsel for the petitioner could not point out any kind of prejudice that might have been caused to the petitioner, while passing the impugned order. In this view of the matter, impugned order passed by the learned matrimonial court deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned matrimonial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on sound reasons and the same deserve to be upheld, for this reason as well.

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 the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

July 27, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No