

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

CRR(F) No.138 of 2017 (O&M)

Date of decision: 10.05.2017

Amarjit

....Petitioner

Versus

Usha

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.R. Hooda, Advocate for the petitioner.

REKHA MITTAL J. (Oral)

The present petition has been filed against judgment dated 11.01.2016 passed by the District Judge (Family Court) Sonapat, whereby maintenance has been awarded in favour of the respondent @ Rs.3,000/- per month along with litigation expenses and in those proceedings, the respondent has been proceeded against *ex parte*.

Counsel for the petitioner has fairly informed that the petitioner did not file an application before the Court below for setting-aside *ex parte* proceedings and the impugned *ex parte* order. The factual controversy with regard to entitlement of the petitioner to get the *ex parte* judgment set-aside needs to be gone into by the Court concerned. Counsel for the petitioner would state that the present petition may be disposed of but with liberty to the petitioner to file an appropriate application before the Court below for setting-aside *ex parte* proceedings as well as judgment.

Ordered accordingly.

However, question with regard to limitation or delay in filing the proceedings would be examined by the Court below, in accordance with law.

10.05.2017

yakub

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No