

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

(218)

FAO-3478-2016

Decided on: August 11, 2017.

Sandeep Kaur

.... Appellant

Versus

Sukhchain Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Archana, Advocate, for
Mr. Narinder Singh Lucky, Advocate, for the appellant.

None for the respondent.

M.M.S. BEDI, J (ORAL)

Appellant Sandeep Kaur had filed a petition under Section 13 of the Hindu Marriage Act for dissolution of her marriage with respondent Sukhchain Singh on the ground of cruelty. The petition was allowed ex-parte vide order dated 08.02.2016.

The present appeal has been filed by Sandeep Kaur herself before this Court on the ground that the decree granted is a result of fraud and misrepresentation as she was under a wrong impression that in the garb of divorce decree, her husband would be able to shift abroad through some friend on contract marriage basis. It is claimed that allured by the said expectation and expecting a bright future for their child, she was made to file the petition for dissolution of marriage which was allowed ex-parte.

We have considered the facts and circumstances of the case and are of the opinion that the ex-parte decree once passed can either be set aside on an application filed by the respondent-husband under Order 9 Rule 13 CPC or the appellant can approach the Family Court, Faridkot again for setting aside the decree claiming that a fraud has been played upon her.

The appeal is held not maintainable on account of the above said alternative remedies available to the parties.

The appeal is disposed of as not maintainable. However, in the interest of justice, the appellant-wife is given one months' time to approach the Family Court, Faridkot to seek the setting aside of the divorce decree dated 08.02.2016 on the ground of fraud, misrepresentation or any other circumstances.

In the interest of justice, it is ordered that operation of judgment dated 08.02.2016 will remain stayed for a period of one month from today.

(M.M.S. BEDI)
JUDGE

August 11, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No