

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

**FAO 7746/2017 (O&M)**  
**Date of decision:05.12.2017**

Gurwant Kaur @ Netu

.....Appellant

v.

Taranjit Singh and other

.....Respondent

**Coram: Hon'ble Mr.Justice Jaswant Singh**

**Present:- Mr.JS Thakur,Advocate for the appellant.**

**Jaswant Singh,J,(Oral).**

This appeal by the appellant-Gurwant Kaur @ Netu is directed against the order dated 15.9.2017 passed by Additional District Judge, Jalandhar whereby her application for setting aside ex parte decree dated 19.8.2015 as also the order dated 8.7.2015 declaring her ex parte in a petition under Section 11 of the Hindu Marriage Act,1955 (for short the 1955 Act), has been dismissed.

Briefly noticed, respondent no.1/Taranjit Singh filed a petition under Section 11 of 1955 Act against appellant and one Sonu Puri with the averments that marriage between appellant and respondent no.1 was solemnised on 14.7.2014 as per Sikh rites and prior to that appellant was married with respondent no.2/Sonu Puri on 23.11.2006 and from that wedlock even one female child Khushi was also born, who was residing with respondent no.1. Accordingly it was claimed that the marriage of appellant with respondent no.1 was in violation of Section 5 of the 1955 Act. In the said petition, appellant was served and she appeared through her counsel. However, appellant failed to appear in Court on 13.5.2015, allegedly due to wrong noting of the date as 18.10.2015. Thereafter the petition was listed on various dates i.e. 8.7.2015, 7.8.2015, 14.8.2015, 18.8.2015 and finally decided ex parte vide order dated 19.8.2015(P1).

Upon ex parte decision of the petition under Section 11 of the Act, appellant filed an application for setting aside the ex parte decree dated 19.8.2015 as also the order dated 8.7.2015 by virtue of which she was declared ex parte.

Respondent no.1 contested the said application by filing reply.

Upon pleadings of the parties, issues were framed. Both sides stepped into witness box in support of their respective pleadings.

The learned trial Court on the basis of evidence led by the parties has dismissed the application of the appellant by holding that she had not come to the Court with clean hands. It was noticed that in her cross examination appellant took various stands with regard to her pleaded case in the application. In her cross examination firstly she denied to have been served in the petition under Section 11 of the 1955 Act or about the contents of the application moved for setting aside ex parte order dated 19.8.2015 and order dated 8.7.2015. In the next breath she admitted that she knew Mr.Pankaj Sharma, Advocate who was representing her in the petition under Section 11 of the 1955 Act. From this it was rightly held that appellant had deliberately absented herself from the proceedings in the petition under Section 11 of the 1955 Act and thus guilty of not coming to the Court with clean hands.

In view of the above, I do not find any illegality in the impugned order dated 15.9.2017 warranting interference in the present appeal.

Dismissed.

**05.12.2017**  
joshi

**(Jaswant Singh)**  
**Judge**

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|----------------------------------|---------------|
| <b>Whether Speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |