

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

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**FAO-M-120 of 2017 (O&M)
Date of Decision: May 08, 2017**

JyotiAppellant

versus

Naveen ...Respondent

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: Mr. Aditya Yadav, Advocate for the appellant.

AJAY KUMAR MITTAL, J. (Oral)

1. The present appeal has been preferred by the appellant-wife against the judgment and decree dated 24.12.2015 passed by the Additional District Judge, Jhajjar, whereby the petition filed by her under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by way of a decree of divorce, on the ground of cruelty has been allowed.

2. Learned counsel for the appellant submitted that the respondent had not disclosed the actual position to the appellant-wife and had obtained her signatures on the blank papers. Therefore, the decree of divorce dated 24.12.2015 is not valid.

3. A perusal of the impugned judgment dated 24.12.2015 shows that it is an ex-parte judgment and the divorce petition was filed by the appellant-wife herself. Thus, there appears to be no grievance for the appellant to file the present appeal. Besides that, there is an inordinate delay of more than one year.

4. At this stage, learned counsel for the appellant-wife submitted that he may be allowed to withdraw the present appeal. However, a prayer was made that liberty be granted to the appellant to approach the trial Court by moving an application alleging fraud.

5. Dismissed as withdrawn.

6. It shall, however, be open to the appellant-wife to avail the remedy as may be available to her before the appropriate forum in accordance with law.

7. A copy of this order be sent to the respondent-husband as well as to the trial Court for information.

(AJAY KUMAR MITTAL)
JUDGE

May 08, 2017
sonia gugnani

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No