

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-151-2017(O&M)

Date of decision: 01.06.2017

Kawaljit Kaur

..... Appellant

Versus

Harpal Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present:- Ms. Ravinder Kaur Manaise, Advocate
for the appellant.

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AJAY KUMAR MITTAL, J. (ORAL)

1. Challenge in the present appeal filed by the appellant-wife impugning the ex-parte judgment and decree dated 31.10.2015 passed by learned Additional District Judge, Gurdaspur whereby the petition filed by the husband-respondent under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by way of decree of divorce, was allowed.

2. Learned counsel for the appellant submits that since the appellant-wife was staying with the respondent-husband till April 2016, therefore, ex-parte judgment and decree dated 31.10.2015 obtained by the respondent is based on fraud.

3. Learned counsel for the appellant further submits that in view of the above, she may be permitted to withdraw the present appeal with liberty to file an application for setting aside the ex-parte judgment and decree passed by the learned trial court as several facts are required to be established by producing documents and leading additional evidence before the trial Court to prove that the appellant-wife was staying with the respondent-husband till April 2016 and she only came to know about the same in the month of April 2017 and also to file an application for condonation of delay for setting aside ex-parte judgment and decree.

4. Accordingly, the present appeal is dismissed as withdrawn. However, liberty is granted to the appellant to take recourse to the remedies as may be available to her in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

June 01, 2017
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No