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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2034-2018

Date of decision : 27.03.2018

Parnam Singh

... Petitioner(s)

Versus

Tejinder Kaur

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner-husband is aggrieved of the impugned order dated 06.12.2017 (Annexure P-6), whereby the application under Order 9 Rule 13 of the Code of Civil Procedure at the instance of the respondent-wife for setting aside the *ex parte* judgment and decree dated 24.08.2015, resulting into, decretal of the petition filed under Section 13 of the Hindu Marriage Act, has been allowed.

Mr. Jaswal, learned counsel appearing on behalf of the petitioner-husband, in support of the revision petition, raised the following arguments:-

1. The trial Court did not frame the issue with regard to the limitation as the wife in cross-examination admitted that she came to know about the pendency of the divorce petition in the month of July 2015, whereas the application had been filed on 02.07.2016.

2. The AW-2, uncle of the respondent-wife, during the cross-examination, admitted that when the compromise was arrived at, in the month of July 2015, he disclosed about pendency of the divorce petition.
3. Since the application under Order 9 Rule 13 CPC was contested by the petitioner, in the cross-examination of the petitioner, a suggestion was put regarding disclosing of the pendency of the petition to the police and the answer was that he had disclosed it to the concerned Inspector, but the Inspector did not write about the same in the proceedings.

All these factors have not been taken in to consideration by the trial Court, thus, urges this Court for setting aside the impugned order, under challenge.

I have heard the learned counsel for the petitioner-husband, appraised the paper book and of the view that there is no merit and force in the submissions of Mr. Jaswal, for, twice the respondent-wife submitted the complaint one in April 2015 and second in June 2016 and the parties had arrived at a compromise to file a petition under Section 13-B of the Hindu Marriage Act and the compromise was also for some transaction and out of which, a sum of ₹ 1 Lacs had been paid, but in none of the proceedings, the husband had disclosed to the police regarding pendency of the divorce petition or passing of the *ex parte* judgment dated 24.08.2015. If at all, the petitioner-husband was sincere and honest to the respondent-wife or to the police, he would have disclosed the same and consented for setting aside the same. He had already got the *ex parte* divorce and was basically laying a honey trap for the respondent-wife. Such an act of the petitioner-husband in

not disclosing the *ex parte* judgment was, in my view, an attempt to rid of the wife without any contest. It is wholly depreciable. All these factors have been noted by the Court below while allowing the application. In my view, filing of the present petition is nothing, but an attempt to try the luck for getting rid of the wife for taking the advantage of the *ex parte* judgment dated 24.08.2015.

Accordingly, the present petition is dismissed with the costs of ₹10,000/- to be paid to the respondent-wife and in case, the costs is not paid, the respondent-wife shall be at liberty to move an appropriate application for compliance of the order.

	(AMIT RAWAL)
	JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No