

FAO-M-4-2018 (O&M) and CMM-8-2018.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO-M-4-2018 (O&M) and
CMM-8-2018.**

Decided on: July 30, 2018.

Suman Lata

.. Appellant

VERSUS

Prince Kumar

.. Respondent

*** * ***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.ANUPINDER SINGH GREWAL**

*** * ***

**PRESENT Mr.Rajiv Joshi, Advocate,
for the appellant.**

**Mr.M.K.Dogra, Advocate,
for the respondent.**

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

The respondent-husband had obtained an ex parte decree of divorce against the appellant-wife vide judgment and decree dated 18.7.2017. During pendency of the appeal against said judgment and decree the matter was referred to the Mediation and Conciliation Centre of this Court but the parties could not arrive at any settlement.

After hearing the counsel for both the parties, we find that the appellant-wife could not get an opportunity to rebut the allegations of cruelty levelled by the respondent-husband.

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Counsel for the respondent-husband has submitted that the allegation of cruelty stands established as such, the respondent-husband is entitled for divorce but he has fairly conceded that the appellant-wife could have been given an opportunity though she intentionally avoided to appear in the Court. He has got no objection in case the ex parte judgment and decree dated 18.7.2017, are set aside and an opportunity is granted to the appellant-wife to contest the petition by filing the written statement.

We have considered the above said circumstances and are of the opinion that while adjudicating the rights of the parties in a matrimonial case, a fair opportunity should be granted to the parties as the decision of a matrimonial case would affect the rights of both the spouses.

Without expression of any opinion on merits of the case, the ex parte judgment and decree dated 18.7.2017, is set aside. The parties are directed to appear before the District Judge, Amritsar, on 1.9.2018. It will be open to the District Judge, Amritsar, to take up further proceedings in the case or to entrust the case to any other Court of competent jurisdiction. The appellant-wife will be deemed to have a notice regarding the date of hearing before the District Judge, Amritsar and will file the written statement on said date or on any other date fixed by the Court of competent jurisdiction.

It will be appreciated in case the proceedings are finalized within a period of six months to one year.

The appeal is allowed as mentioned above.

The application under Section 24 of the Hindu Marriage

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Act, as well as other pending misc. applications are disposed of as having rendered infructuous.

(M.M.S. BEDI)
JUDGE

July 30, 2018.
raj arora

(ANUPINDER SINGH GREWAL)
JUDGE

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