

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.110 of 2019
Date of Decision: 11.01.2019

ANGREJ SINGH

.....Petitioner

Vs

RAVINDER KAUR

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Jawandha, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 01.11.2018 passed by the Addl. District Judge, Sangrur vide which application under Order 9 Rule 7 CPC for setting aside the *ex parte* judgment and decree dated 29.04.2016 against the respondent was allowed.

[2]. Perusal of the impugned order would show that the trial Court has set aside the *ex parte* decree of divorce by appreciating the conduct of the petitioner in obtaining the same. The presence of the respondent in the matrimonial house was appreciated with reference to evidence viz. Ex.A-7, Ex.A-10, Ex.A-12 and Ex.A-14 during the relevant period. In the photographs Ex.A-48 to Ex.A-56, the respondent and the

petitioner were seen together along with their children at the time of purchase of new car. The relevant receipts had been produced on record as Ex.A-128 to Ex.A-131 showing that the car was purchased from Sandhu Automobiles Pvt. Ltd., Ludhiana vide invoice Ex.A-126 dated 08.06.2016. The ex parte decree of divorce was passed on 29.04.2016 i.e. much prior thereto. It was proved that the respondent was residing in the matrimonial house even after passing of ex parte decree of divorce against her. Respondent also produced on record railway tickets dated 13.12.2016 and 14.01.2017 to prove that she had visited her matrimonial house during winter break in the year 2016-17.

[3]. The trial Court took cognizance of the aforesaid evidence to arrive at a conclusion that the petitioner has betrayed the respondent while obtaining *ex parte* decree of divorce and thereafter he continued to have marital relations with the respondent even after *ex parte* divorce dated 29.04.2016. Though the respondent was served with the publication in the newspaper namely The Tribune, Chandigarh Edition but the said newspaper was not having any circulation in the Uttrakhand, where respondent was posted at the relevant time as Vice Principal in a School.

[4]. In view of above, the indulgence granted by the trial

Court in setting aside the ex parte decree of divorce cannot be faulted with. This revision petition is found to be devoid of merits and the same is accordingly dismissed.

January 11, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No