

CM No. 19095-CII of 2019 and
CM No. 19121-CII of 2019 in/and
CR No. 3705 of 2018

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

CM No. 19095-CII of 2019 and
CM No. 19121-CII of 2019 in/and
CR No. 3705 of 2018
Date of Decision: 26.09.2019

Ajay Pal Singh

-Petitioner

Vs

Ruhani @ Ambika Soni

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Hitesh Verma, Advocate,
for the petitioner.

Mr. Dinesh Arora, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

CM No. 19095-CII of 2019

For the reasons mentioned in the application, the same is allowed and accompanying documents are taken on record, subject to just exception.

CM No. 19121-CII of 2019

For the reasons mentioned in the application, the same is allowed. Date of hearing is preponed and the main case is taken up today.

Main case

Petitioner has preferred this revision petition against the order dated 09.05.2018 passed by District Judge, Family Court, Barnala vide which an application under Order 9 Rule 13 CPC filed by the respondent for setting aside exparte judgment and decree of divorce dated 10.08.2017 was accepted.

With the acceptance of application, exparte divorce obtained by the petitioner was set aside and the proceedings were revived.

The marriage between the parties took place on 09.11.2004. Out of this wedlock, two children took birth who are in care and custody of the petitioner on account of some understanding between the parties.

Learned counsel for the respondent along with respondent is present in Court. Respondent has filed her affidavit to show that she has no objection in case this revision petition is allowed and exparte judgment and decree of divorce is maintained. Interaction with the respondent in Court has not yielded any response, even to defer the proceedings for six months so as to enable the parties to resort to the proceedings under Section 13-B of Hindu Marriage Act. The stand of the respondent is categoric that she wants to get rid of the

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relationship at the earliest.

In view of affidavit of even date i.e. 26.09.2019 filed by the respondent in Court, I am satisfied that the respondent has real intention to part ways from the company of the petitioner. Exparte decree of divorce granted on 10.08.2017 was successfully assailed by the respondent in the application under Order 9 Rule 13 CPC.

In view of statement on oath made by the respondent, this revision petition is allowed. Impugned order dated 09.05.2018 passed by District Judge, Family Court, Barnala is hereby set-aside.

Normal consequences to follow.

26.09.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No