

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

FAO-3165-2019 (O&M)
Date of decision: 16.12.2019

Saurabh Sharma

... Petitioner

Versus

Abhilasha Sharma

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Abhinav Sood, Advocate,
for the appellant(s).

Mr. Arpandeeep Narula, Advocate,
for the respondent.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against order dated 30.4.2019 passed
by Principal Judge, Family Court, Gurugram.

Limited plea raised before this Court during the course of
arguments is that the court below has erred in holding that the counter claim
by the appellant is not maintainable. According to the learned counsel for
the appellant, this is against the provisions of Section 23-A of the Hindu
Marriage Act, 1955. Legal proposition is not controverted by the present
counsel appearing for the respondent.

In view of the above, impugned order in so far it rejects filing
of counter claim and framing of issue on this aspect is hereby set aside. The

matter is remitted to the same Court for decision afresh.

Appeal stands allowed in these terms. Trial Court shall make endeavour to conclude the proceedings expeditiously.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

December 16, 2019
Paritosh Kumar

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