

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 4507 of 2019 (O&M)

Date of decision : 22.7.2019

...

Harpreet Kaur @ Rosy @ Yogita Jethi

.....Petitioner

vs.

Milan Jethi

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amit Aggarwal, Advocate for the petitioner

...

H. S. Madaan, J. (Oral)

Petitioner – Harpreet Kaur @ Rosy @ Yogita Jethi is present in the court with counsel. Respondent – Milan Jethi has also put in appearance.

The grouse of the petitioner is that in a petition under Section 13-B of the Hindu Marriage Act, 1955, filed by petitioner Harpreet Kaur @ Rosy @ Yogita Jethi and her husband Milan Jethi – respondent, an application for waiving the statutory period of six months was wrongly dismissed by the trial Court on the date of filing of application itself, simply for the reason that copies of the documents evidencing litigation pending between the parties, in support of their contention, were not supplied.

Heard.

It comes out that the trial Court was not justified in dismissing the application in such a way without affording the reasonable opportunity to the counsel for the petitioner to place on record copies of requisite documents, hearing them and then passing a detailed order.

Under the circumstances, the revision petition is accepted, the order under revision is set aside and the matter is sent back to the trial Court with a direction to consider the matter again, after affording reasonable opportunity to the parties to place on record the supporting documents, hearing them and then dispose of the application as per law by a reasoned order.

Parties are directed to appear before the trial Court on 14.8.2019.

22.7.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No