

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

FAO-5297-2019

Date of decision : 25.11.2019

Diksha Verma

....Appellant

V/s

Siddharth Uppal

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate for the appellant.

Mr. Parminder Singh, Advocate for the respondent.

RAJAN GUPTA J. (ORAL)

Marriage between the parties was solemnized on 25.09.2014 as per Hindu rites at Karnal. After marriage, petitioner and respondent lived together as husband and wife at Karnal itself. After lapse of some time, however, certain differences developed. Petitioner –husband alleged that respondent had a narrow mind set. She would make a mountain out of a molehill on trivial issues. She had developed a tendency to visit her parental house without any intimation to the petitioner. Similar more allegations were levelled. On these grounds, petitioner-husband filed a petition for divorce under section 13 of the Act before the Family court at Karnal. The court issued notice of the petition. The matter was, however, referred to Mediation and Conciliation Centre before written statement could be filed. Thereafter, parties appeared before the said Forum for exploring the possibility of settlement. It, however, appears that when the matter was still pending before the Mediation centre, the court proceeded further the main case.

Stand of the appellant is that she remained oblivious of this, as she was regularly

appearing before the Forum for alternate dispute resolution. To her utter surprise,

the court proceeded ex-parte against her and passed a decree of divorce on 06.07.2019, the date on which the matter was referred back from the Mediation centre. Perusal of the judgment shows that it does not contain any detailed discussion as regards the cruelty alleged to have been inflicted by the respondent on the petitioner except a recent FIR of which investigation appears to be pending.

Under the circumstances, we feel that matter needs to be remitted to the court below to be taken up from the same stage from where the appellant-wife was proceeded ex-parte. Impugned order is, thus, set-aside. Matter be remanded as indicated above.

Appeal is allowed in these terms.

The comments received from the Presiding Officer pursuant to order dated August 28, 2019 shall be dealt with administratively.

(RAJAN GUPTA)
JUDGE

November 25, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No