

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

1.

**Civil Revision No.4945 of 2019 (O&M)
Date of Decision: 21.08.2019**

Gauri Shankar

.....Petitioner

Vs

Smt. Yogita

...Respondent

2.

Civil Revision No.4946 of 2019 (O&M)

Shiv Kumar

.....Petitioner

Vs

Smt. Deepika

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P. Sharma, Advocate
for the petitioner(s).

RAJ MOHAN SINGH, J.

[1]. Vide this common order order CR Nos.4945 and 4946 of 2019 (O&M) are being decided. In both the revision petitions, the petitioners are brothers and respondents are sisters. Since common issue is involved in both the revision petitions, therefore, for brevity facts are being culled out from CR No.4945 of 2019.

[2]. Petitioner(s) has preferred this revision petition against the order dated 07.01.2019 and 25.07.2019 passed by the District Judge, Narnaul in a petition under Section 13 of the

Hindu Marriage Act filed by the respondent(s). Vide order dated 07.01.2019 passed by the District Judge, Narnaul the case was fixed for filing written statement on behalf of the present petitioner(s). Petitioner(s) did not appear despite due service and they were proceeded against *ex parte* and the case was adjourned for *ex parte* evidence of the present respondent(s) (petitioner(s) before the trial Court. Thereafter, four PWs were examined by the present respondent(s).

[3]. The petitioner(s) filed an application on 18.04.2019 for setting aside the *ex parte* order dated 07.01.2019. The District Judge, Narnaul has dismissed the same vide order dated 25.07.2019, after noticing the fact that the present petitioner(s) was represented by Sh. Jagdeep Dhillon, Advocate who had filed power of attorney on 30.08.2018. The said Advocate continued to appear on behalf of the petitioner(s) on 13.11.2018 and 28.11.2018. On 28.11.2018 the case was adjourned for 07.01.2019 for awaiting the report of Mediation Centre and for filing written statement by the present petitioner(s) as last opportunity. None appeared on 07.01.2019 on behalf of the petitioner(s) and they were proceeded against *ex parte*. On subsequent date i.e. 16.03.2019, four PWs were examined by the present respondent(s) and they closed their evidence. The case was adjourned for 18.04.2019 for *ex parte* arguments.

[4]. The application filed by the present petitioner(s) came to fore with the change of Advocate for setting aside the order dated 07.01.2019. Perusal of the record would show that the petitioner(s) were duly served in the proceedings. Even petitioner(s) had engaged Sh. Jagdeep Dhillon, Advocate, who had appeared on 30.08.2018, 13.11.2018 and 28.11.2019. He did not appear on 07.01.2019, nor the petitioner(s) appeared before the District Judge, Narnaul. No written statement was filed. The date was very much in the knowledge of the petitioner(s). Even after proceeding against *ex parte* on 07.01.2019, no application was filed within limitation, nor any application for condonation of delay was filed along with the application for setting aside the order dated 07.01.2019. During the intervening period, four PWs have been examined by the respondent(s)-wife. Petitioner(s) cannot be permitted to put the clock back even to recall the aforesaid examined witnesses for their cross-examination.

[5]. No application for condonation of delay was filed, nor any sufficient cause could be detected from the application for setting aside the *ex parte* order dated 07.01.2019 by condoning the delay in filing the application on 18.04.2019 only.

[6]. Looking to the facts and circumstances and nature of litigation pending between the parties, it appears that the

conduct of the petitioner(s) is such which does not warrant any interference in the revision petitions. Both revision petitions are accordingly dismissed.

August 21, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No