

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

**CR-6072-2019 (O&M)
Date of decision: 24.09.2019**

Archana

...Petitioner

Versus

Yogesh Birdi

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil Narang, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 18.09.2019 (Annexure P-1) passed by the Additional District Judge, Chandigarh, whereby application dated 03.09.2019 (Annexure P-8) filed by petitioner-wife for restoration of application dated 08.03.2019 (Annexure P-5) for setting aside the exparte order dated 08.03.2019 (Annexure P-4) was dismissed.

Learned counsel for the petitioner (wife) contends that a divorce petition under Section 13 of the Hindu Marriage Act, 1955 was filed by respondent-husband in the year 2016, which was later on, amended and the petitioner-wife filed reply dated (Annexure P-3) to the amended divorce petition on 02.04.2018. Thereafter, vide order dated 08.03.2019 (Annexure P-4), petitioner-wife (respondent therein) was proceeded against exparte and her application for setting aside the said order was also dismissed on 20.08.2019 (Annexure P-7) for want of appearance. Thereafter, petitioner made an application for restoration of the application dated 08.03.2019, which has now been dismissed vide order dated 18.09.2019.

petitioner was proceeded against exparte vide order dated 12.07.2016 and consequent upon an application, the said order was set aside by the trial Court. Thereafter, petitioner did not appear before the Court on 28.08.2017 and again, she was proceeded exparte. Even this order was set aside on the statement made by learned counsel for the petitioner. Finally, on 08.03.2019, petitioner did not appear before the Court in pre-lunch session and was, accordingly, proceeded exparte.

Learned counsel for the petitioner states that the petitioner is ready to pay costs of Rs.10,000/- to the respondent-husband as she had been proceeded exparte on four occasions since 2016.

In the given circumstances of the case, in order to impart complete justice to the parties, this Court deems it appropriate to provide an opportunity to the petitioner to defend her case in accordance with law.

In view of the said fact, the impugned order dated 18.09.2019 (Annexure P-1) and order dated 08.03.2019 (Annexure P-4) are set aside, subject to costs of Rs.10,000/- to be paid by the petitioner-wife to respondent-husband. Thereafter, the trial Court shall proceed further in accordance with law.

Allowed accordingly.

Copy of this order be given to learned counsel for the petitioner under the signatures of the Court Secretary/Reader of the Bench.

24.09.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No