

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

Sr. No.110

CR-14310-2018

Date of decision: 18.01.2019

Daya Singh

....Petitioner

versus

Manpreet Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Harpreet Dandiwal, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 08.12.2018 passed by the Additional District Judge, Fatehabad (for short – 'the Trial Court') dismissing the application filed by the petitioner under Order 7 Rule 11 CPC through which the petitioner had sought the rejection of the respondent's divorce petition as according to the petitioner, the same did not disclose any cause of action.

Learned counsel for the petitioner has been heard.

A perusal of the divorce petition filed by the respondent-wife under Section 13(i-a) of the Hindu Marriage Act, 1955 shows that on the strength of the allegations made therein she has sought divorce from the petitioner-husband on the grounds of cruelty and desertion. On being put to notice, the petitioner appeared before the Trial Court and filed an application under Order 7 Rule 11 CPC questioning therein the grounds taken by the respondent in her divorce petition on its merits.

The petitioner can dispute the grounds taken by the respondent in her divorce petition on merits only through a written statement and not

through an application under Order 7 Rule 11 CPC especially when on perusal of the divorce petition filed by the respondent its contents clearly reveal a cause of action.

Dismissed.

(DEEPAK SIBAL)
JUDGE

January 18, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No