

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

**CR No. 784 of 2020 (O&M)
Date of Decision: 04.02.2020**

Amrit Pal Singh

.... Petitioner

Versus

Amrit Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. L.S.Lakhanpal, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The husband has filed the present revision petition against the order passed by learned trial Court rejecting application filed by him under Order 7 Rule 11 CPC to reject the plaint.

The respondent-wife has filed a suit claiming that the previous decree for divorce by mutual consent under Section 13-B of Hindu Marriage Act is result of fraud. Learned trial Court after noticing that allegations of fraud have been made, dismissed the application.

Learned counsel for the petitioner contends that the decree of divorce passed under Section 13-B of Hindu Marriage Act is appealable and therefore, present suit is barred.

This Court has considered submission, however, find no substance therein. Once, there are allegations of fraud in obtaining decree under Section 13-B of Hindu Marriage Act, no final opinion qua the jurisdiction of Civil Court can be expressed at this stage.

Dismissed.

**(ANIL KSHETARPAL)
JUDGE**

04.02.2020

Maninder

Whether speaking/reasoned : Yes
Whether reportable : No