

FAO-8006-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-8006-2017 (O&M)

Date of Decision: 09.10.2020

Balwinder Kaur

...Appellant

Versus

Malkit Singh

...Respondent

CORAM: HON'BLE MR. HARMINDER SINGH MADAAN

Present Mr. Kanwar Pahul Singh, Advocate
for the appellant.

Mr. Krishan Kumar Thakur, Advocate
for the respondent.

HARMINDER SINGH MADAAN, J. (ORAL)

Case taken up through video conferencing.

An application has been moved by the respondent for placing
on record reply by way of affidavit to the present appeal.

Heard. Allowed.

Short reply by way of affidavit of respondent – Malkit Singh is
taken on record alongwith Vakalatnama executed by him in favour of Sh.
Krishan Kumar Thakur, Advocate.

Learned counsel for the parties state that the matter has since
been compromised between the parties.

Learned counsel representing the respondent has contended that
he has no objection if the present appeal is accepted and order dated 12th
September, 2017 along with *ex parte* judgment and decree dated 29.04.2015

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passed by the Additional District Judge, Amritsar, are set aside. Affidavit of Malkit Singh – respondent in this regard is also filed.

Accordingly, the present appeal is allowed. Resultantly, order dated 12th September, 2017 passed by the Additional District Judge, Amritsar, vide which, application on behalf of respondent – wife Balwinder Kaur, under Order 9 Rule 13 of Code of Civil Procedure, for setting aside of *ex parte* judgment and decree dated 29th April, 2015, passed by the Additional District Judge, Amritsar, allowing the divorce petition, had been dismissed, is set aside. Resultantly, the *ex parte* judgment and decree for divorce in question, dated 29th April, 2015, are also set aside.

Parties through counsel are directed to appear before the trial Court on 17th November, 2020. It has been settled between the parties that respondent – husband Malkit Singh would withdraw the divorce petition in question filed by him against his wife-Balwinder Kaur from the trial Court on that date or any other date so fixed by trial Court.

All the pending misc. applications stand disposed of.

09.10.2020

Nisha

(H.S. Madaan)
Judge

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No