

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

CR-875 of 2020 (O&M)

Date of decision: 27.10.2021

Ratish Kumar

...Petitioner

Versus

Sushma

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner/husband Ratish Kumar had brought a divorce petition against his wife Sushma wherein respondent-wife was proceeded against ex parte. That divorce petition was allowed ex parte on 27.07.2017. Subsequently, respondent-wife moved an application for setting aside of ex parte judgment and decree, notice of which was given to the petitioner/husband, who put in appearance and opposed the application. Issues on merits were framed. Parties were given opportunity to lead evidence.

After hearing arguments, learned Addl. Principal Judge, Family Court, Faridabad, vide order dated 07.12.2019 accepted the application and set aside the order dated 20.01.2017 and ex parte judgment and decree dated 27.07.2017.

Such order left petitioner/husband aggrieved and he has approached this Court by way of filing the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is without any merit.

Learned Addl. Principal Judge, Family Court, Faridabad, on analyzing the factual and legal position and appreciating the evidence adduced by both the parties has reached a clear conclusion that respondent-wife was not served and she was wrongly proceeded against ex parte on 20.01.2017 and subsequent ex parte judgment and decree dated 27.07.2017 could not be passed against her.

I do not see any reason to disagree with such findings recorded by Addl. Principal Judge, Family Court, Faridabad. The impugned order is quite detailed, well reasoned and does not suffer from any illegality or infirmity, much less the same being perverse, arbitrary or in violation of settled legal position on the subject. Even otherwise, it is always desirable to decide a *lis* on merits rather than non-suiting a party on technical grounds. A divorce petition is outcome of a matrimonial dispute between the two spouses. The trial Court while decreeing the divorce petition had only examined the case set up by the husband before it and version of the respondent-wife was not there. It is always better to arrive at a conclusion after considering the versions set up by the contesting parties, rather than taking into view the case presented before the Court by one litigant only. Therefore, I

do not see any reason to upset the impugned order. The same is upheld.

Thus, finding no merit in the instant revision petition, the same stands dismissed.

27.10.2021

(H.S. MADAAAN)
JUDGE

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