

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

CR-1567 of 2021 (O&M)

Date of decision: 16.08.2021

Pema Sherpa

...Petitioner

Versus

Manoj Kartik Bakshi

...Respondent

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

Present: Mr. Dixit Garg, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

In a petition filed by Manoj Kartik Bakshi against his wife Pema Sherpa, which was pending before Principal Judge, Family Court, Jalandhar, notice of the said petition was issued to respondent in that petition, namely, Pema Sherpa mentioned as Prem Shepra, in the impugned order; she was served by way of publication in daily newspaper 'The Hindustan Times' on 03.11.2020 but did not put in appearance, as such, was proceeded against *ex parte*, vide impugned order dated 01.04.2021; the said order is being challenged by the respondent in that petition before this Court by way of filing the instant revision petition.

It is very strange that the present revisionist instead of approaching the trial Court by way of filing an application under Order 9 Rule 7 CPC, craving for setting aside of *ex parte* proceedings by rendering necessary explanation for previous non-appearance, has chosen

to rush to this Court by way of filing the present petition.

Accordingly, the present petition is disposed of relegating the revisionist to the remedy of approaching the trial Court by way of filing an appropriate application there for setting aside of *ex parte* order and proceedings and the trial Court would dispose of the said application in accordance with law in the light of settled principles that no litigant should be condemned unheard and it is endeavour of the Courts to decide a *lis* on merits, rather than, non-suiting a party on technical grounds.

16.08.2021

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(H.S. MADAAN)
JUDGE

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