

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

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**CR-161 of 2022(O&M)
Date of decision:09.03.2022**

Govind Singh

...Petitioner

Versus

Rachna Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanhiya Soni, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner (husband) assails the correctness of the order of the Family Court, dated 03.11.2021, passed while allowing the application to set aside an ex-parte proceedings against the respondent.

The court has noticed that she was proceeded against ex-parte on 03.03.2021. Thereafter, no further proceedings took place. In these circumstances, the Court has set aside the ex-parte proceedings as the petitioner is not likely to suffer any prejudice.

The ex-parte proceedings do not debar the party from participating in the further court proceedings even if he absents himself on the day to which the case was adjourned. The ex-parte proceedings has the effect of proceeding with the case in the absence of the party. On the next date or on subsequent dates of hearing, the party who previously absented himself can join the proceedings. However, if the party which was proceeded ex-parte wishes that he should be relegated to the same position as was on the day when he was absent and in the meantime, some progress in the suit has taken place, then, he is required to show a good cause for his previous non-appearance.

Since, no further proceedings after 03.03.2021 have taken place, therefore, the Court has correctly allowed the application for setting aside the ex-parte proceedings.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

March 09, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No