

Civil Revision No.6494-2018  
Date of Decision : 21.04.2022

Gurdeep Kaur

...Petitioner

Versus

Jagsir Singh

...Respondent

**CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL**Present : Mr.Akshay Kumar Goel, Advocate  
for the petitionerMr.Anshul Baghla, Advocate for  
Mr.Rajbir Singh, Advocate  
for the respondent

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**ANIL KSHETARPAL, J (ORAL)**

A strange order has been passed by the learned Additional District Judge, Sangrur. Some facts are required to be noticed.

On the application filed by the respondent-husband for dissolution of marriage by way of a decree of divorce, the Court passed an ex parte decree on 05.12.2016.

On an application filed by the petitioner-wife, the aforesaid decree was set aside by the Court on 13.12.2017 and the proceedings in the petition for dissolution of marriage by a decree of divorce were revived. Before filing the written statement to the main petition, the wife filed an application under Section 24 of the Hindu Marriage Act, 1955, for grant of maintenance pendente lite. The respondent-husband filed a revision petition challenging the order dated 13.12.2017 before this Court. The original file was summoned by this court. It was received back only on 17.08.2018. The wife filed her defence on 17.08.2018 itself. On 04.09.2018, the Court struck off the defence of the wife and directed reviving of the decree passed ex parte on 05.12.2016.

It is evident that the ex parte decree had been set aside on 13.12.2017. Thereafter, the court had no jurisdiction to revive the ex parte decree. Furthermore, when the wife had already filed her written statement, there was no reason to strike off her defence on the ground that she had not filed the reply within the prescribed time period.

Keeping in view the aforesaid facts, the order dated 04.09.2018 is set aside. The proceedings in the impugned petition i.e filed under Section 13 of the Hindu Marriage Act, 1955 shall stand revived. The court is requested to proceed with the matter. The parties through their counsel are directed to appear before the Court on 06.05.2022.

**21.04.2022***neenu***(ANIL KSHETARPAL)  
JUDGE**

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