

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

CR-606-2022 (O&M)

Date of Decision : 05.12.2022

Bachittar Singh @ Bachitter Singh

....Petitioner

VERSUS

Jasvir Kaur @ Jasveer Kaur

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Sharma, Advocate for the petitioner.

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ALKA SARIN, J. (Oral)

The present revision has been filed under Article 227 of the Constitution of India challenging the order dated 17.12.2021 dismissing the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside the ex-parte judgment and decree of divorce dated 30.05.2012.

The brief facts relevant to the present *lis* are that a petition was filed by the respondent-wife under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HMA Act'). The summons of the petition were issued vide order dated 18.07.2011 and were received by the mother of the petitioner, however the petitioner failed to appear. Thereafter, on an application moved by the respondent-wife for substituted service under Order 5 Rule 20 CPC, publication was made in the newspaper 'Chardi Kala' on 13.01.2012 and eventually the petitioner having failed to appear was proceeded against ex-parte on 23.01.2012. The divorce petition was thereafter adjourned to 16.02.2012, to 07.03.2012, to 28.03.2012, to

10.04.2012, to 28.04.2012, to 01.05.2012 and thereafter to 21.05.2012 for

ex-parte evidence of the respondent herein. The respondent-wife examined all her witnesses on 21.05.2012 and the petition was adjourned to 26.05.2012 and thereafter to 29.05.2012 and subsequently to 30.05.2012 for remaining ex-parte evidence of the respondent herein. The evidence of the respondent herein was concluded on 30.05.2012 and the divorce petition was ultimately allowed vide judgment and decree dated 30.05.2012.

It is apt to note that the application under Order 9 Rule 13 CPC (Annexure P-11) was filed on 01.05.2019. It has been noticed in the order that in the interregnum the respondent-wife had re-married and was residing with her husband along with her two major daughters. The application under Order 9 Rule 13 CPC was filed after a period of 7 years.

Learned counsel for the petitioner has not been able to show any ground or raise any argument for setting aside the ex-parte judgment and decree dated 30.05.2012.

In view of the above, I do not find any merit in the present revision petition which is dismissed accordingly. Pending applications, if any, also stand disposed off.

December 05, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO