

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

CR-1737-2022

Date of decision: 06.05.2022

Sumit Bharti

... Petitioner

Versus

Isha Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Gaurav Gupta, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

Vide this petition under Article 227 of the Constitution, the petitioner prays for a direction to the Principal Judge, Family Court, Faridabad to decide the restoration application No.801 of 2018, dated 27.08.2018, expeditiously or in a time bound manner, filed by him in case No.CIS/373/2016, dated 01.04.2016, titled *Sumit Bharti v. Isha Singh*, which was dismissed for non-prosecution on 08.08.2018.

The limited grievance that is being expressed by the petitioner is that even though his application for restoration of his petition for a decree of divorce filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955, is pending for the last about 4 years, the matter has not made any tangible progress.

The record shows that despite repeated opportunities, the petitioner failed to adduce any evidence and none on his behalf caused appearance either on 08.08.2018 and, thus, the Court was choice-less but to dismiss the petition in default.

The grievance that even though a period of over 3½ years has elapsed and the application moved by the petitioner for restoration of the petition is still pending, is also unfounded. For, the record shows that in the application moved by the petitioner for restoration of his petition, the respondent was served by way of publication on 02.03.2020. And the counsel on her behalf had caused appearance on 15.09.2020. It is a matter of public knowledge that the humanity across the globe was faced with an unprecedented crisis (COVID 19) during the past two years. Owing to en masse casualties and surge in COVID cases, the district Faridabad, in particular, was categorized as Red Zone. Further, pursuant to the administrative orders passed by this Court, the subordinate courts in the States of Punjab and Haryana functioned in a restricted mode and only the urgent matters were taken up during that period. Not just that, the order dated 18.04.2022 reveals that counsel for the petitioner chose not to address arguments even though the matter was listed for consideration on his application.

Be that as it may. As the matter is now listed for 27.05.2022, this Court is sanguine that if the counsel for the petitioner renders the necessary assistance and cooperation, the learned trial Court shall make every possible endeavour to decide the matter as expeditiously as possible.

The petition is, accordingly, disposed of with the above observations.

(Arun Palli)
Judge

06.05.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO