

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

FAO-1996-2022 (O&M)
Date of decision 11.05.2022

Gurjit Kaur

....Appellant

vs.

Prabhjot Singh

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. K.S. Mamrat, Advocate
for the appellant

Ritu Bahri, J. (Oral)

Challenge in the present appeal is against impugned ex parte judgment and decree dated 25.03.2022 passed by learned Principal Judge, Family Court, Moga.

Learned counsel states that the appellant was regularly attending the Court proceedings in a petition filed by the respondent against the appellant under Section 13 (1) of the Hindu Marriage Act. However, on 11.11.2011, both the appellant-wife and her counsel failed to put in appearance. In the light of this, the Court below has passed an ex parte judgment and decree dated 25.03.2022.

On a specific query put to learned counsel for the appellant that whether the appellant has filed an application under Order 9 Rule 13 CPC for setting aside ex parte decree, he denied the same.

All the PWs have recorded their examination-in-chief and opportunity of cross examination has not been afforded to the appellant.

Keeping in view the fact that the appellant was regularly

appearing before the Court below, at this stage, proper remedy would be to approach the Court below and to file an application under Order 9 Rule 13 CPC for setting aside ex parte decree dated 25.03.2022 before Principal Judge, Family Court, Moga, who shall examine the same in accordance with law.

In view of the above factual position, the present appeal is disposed of with the aforesaid liberty.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

11.05.2022

G Arora

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