

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-2616-2022 (O&M)  
Date of decision: 13.07.2022

**Dinesh Kumar**

**... Petitioner**

**Vs.**

**Balwinder Kaur**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. R.S. Mamli, Advocate  
for the petitioner.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the order dated 22.04.2022 passed by the Family Court, Yamuna Nagar at Jagadhri, vide which ex-parte order passed against the respondent-wife, was set aside and she is permitted to join the proceedings.

Learned counsel for the petitioner submits that the petitioner filed a petition under Section 13 of the Hindu Marriage Act against the respondent-wife, for the reasons stated therein. The respondent appeared on 04.12.2018 and filed written statement, however, on account of noting a wrong date, the respondent or her counsel could not appear on 14.10.2021 and she was proceeded ex-parte and three witnesses were examined in ex-parte evidence. Thereafter, an application was filed by the respondent-wife to set aside the ex-parte order dated 14.10.2021, which has been allowed by the Family Court,

observing that there was no willful action on the part of the respondent-wife not to appear before the Court and on account of bonafide mistake of noting a wrong date, she could not appear and immediately thereafter, she moved an application for setting aside the ex-parte order.

After hearing learned counsel for the petitioner, I find no illegality in the impugned order passed by the Family Court, Yamuna Nagar at Jagadhri.

Accordingly, the present petition is dismissed.

However, considering the fact that the petition under Section 13 of Hindu Marriage Act is pending since long, it is expected that the Family Court will dispose of the same expeditiously.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

13.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No