

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4547 of 2018(O&M)
Date of Order:25.09.2023

Harpreet Kaur

...Petitioner

Versus

Gurpreet Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohinder Pal, Advocate, for the petitioner.

ANIL KSHETARPAL, J.(Oral)

1. Through this revision petition, the petitioner assails the correctness of the order passed by the Additional District Judge, Bathinda, on 04.05.2018.

2. The petitioner's application for setting aside the order dated 25.09.2013, and the ex-parte judgment and decree dated 09.04.2014, has been dismissed by the Court. The petitioner claims that the respondent (her husband) gave a wrong postal address of the petitioner in order to secure the ex-parte judgment and decree in a fraudulent manner. In the application, the court after framing the following issues called upon the parties to lead evidence:-

- “1. Whether ex-parte judgment and decree dated 09.04.2014 and ex-parte proceedings initiated on 25.09.2013 are liable to be set aside on the ground mentioned in the application?OPA
2. Whether the instant application is not maintainable in the present form?OPR

3. *Whether the applicant is estopped from filing the present application by her own act and conduct? OPR*
4. *Relief.”*

3. In order to prove her case, the petitioner appeared as AW1 besides examining Smt. Jasvir Kaur as AW2.

4. On the other hand, Sh. Gurpreet Singh appeared as RW1 and Smt. Manjit Kaur as RW2. It has come on record that the petitioner in her cross-examination admitted that she is residing in Street No.12, Balraj Nagar, Bathinda. Moreover, this was the address of Smt. Harpreet Kaur which was mentioned in the title of the petition Ex.R2.

5. Thus, the court has drawn inference that her address is correct. On the summons sent to the petitioner, the process server reported that she has flatly refused to accept the said summons. Still, the Court ordered summoning of the petitioner by way of proclamation. As per Ex.R4, the report of the local proclamation, the copy of the summons was also pasted by the process server at the conspicuous part of the house of the petitioner. Thus, the court has held that the petitioner has failed to rebut the report Ex.R2 made by the process server. It has also come on record that two different process servers made attempts to serve the respondent, however, she refused to take the summons. Thus, the court has dismissed the application.

6. The learned counsel representing the petitioner contends that the case may be referred to the mediation centre for settlement. He further submits that the order passed by the court is incorrect.

7. This court has considered the submissions of the learned counsel representing the petitioner.

8. The ex-parte judgment and decree annulling the marriage was passed on 09.04.2014. The petitioner had to stand on her own legs and she had to prove that the report of refusal submitted by the process server was incorrect. The petitioner has failed to substantiate with the plea. In fact, she came to the court while asserting that her wrong postal address was given by her husband, whereas in her cross-examination she has admitted that she is residing at the aforementioned address.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed accordingly.

11. All the pending miscellaneous applications, if any, are also disposed of.

September 25, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO