

FAO-M-90-2019 (O&M)

Date of Decision: February 03, 2023

Parwinder Kaur

..... Appellant

Versus

Harjit Singh

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE NIDHI GUPTA**

Present: Mr. Gaurav Jain, Advocate for the appellant.

Mr. K.S. Kahlon, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed challenging judgment and decree dated 02.11.2018 whereby petition under Section 9 of the Hindu Marriage Act, 1955 (for short – ‘the Act’) filed by the respondent – husband, was allowed. Admittedly, appellant was proceeded exparte before the learned Additional Civil Judge (Senior Division), Batala.

It is informed by learned counsel for the parties that petition under Section 13 of the Act has now been filed by the respondent – husband, which is now pending before the learned Family Court, Mansa. It is submitted that it is incorrectly recorded on 01.12.2022 that it is the appellant – wife, who has filed petition under Section 13 of the Act.

Be that as it may, in the given factual matrix where the petition under Section 13 of the Act, filed by the husband is admittedly pending

adjudication, it is agreed between the parties that the appellant - wife would be at liberty to raise all the pleas as available to her in accordance with law before the learned Family Court in the proceedings under Section 13 of the Act initiated by the respondent – husband.

There is, thus, no justification in continuation of the present proceedings.

Appeal is, accordingly, disposed of.

(LISA GILL)
JUDGE

February 03, 2023
rts

(NIDHI GUPTA)
JUDGE

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