

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3420 of 2022(O&M)

Date of Decision:01.03.2023

Shruti Chopra

.....Appellant

Versus

Amit Nagpal

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. H.S.Oberoi, Advocate
for the appellant.Mr. Raj Partap Singh Brar, Advocate
for the respondent.

LISA GILL, J(Oral).

This appeal has been filed by the appellant-wife challenging an interlocutory order dated 21.07.2022 passed by learned Family Court, Panipat, in pending proceedings initiated by the appellant.

The present appellant-wife filed a suit for declaration and permanent injunction for restraining the respondent-husband from proceeding against her in divorce proceedings initiated by him before the State of Connecticut, Superior Court, U.S.A. Appellant also sought a declaration that all proceedings, orders, directions, judgment, decree etc., passed by the Foreign Court be declared as null, void and unenforceable with a further prayer that any judgment, decree, order or direction passed in future by the Foreign Court be also declared as such.

Initially, interim order was passed by the learned Family Court, Panipat, on 23.06.2022 whereby respondent was restrained from proceeding with the pending divorce petition filed by him in U.S.A. However, as service upon the respondent was not effected, interim injunction was vacated on 21.07.2022 while recording that summons were not served in accordance with the provisions of law.

Learned counsel for the respondent submits that in-fact divorce has been granted by the State of Connecticut Superior Court on 23.08.2022. Appellant was proceeded ex parte therein.

We have heard learned counsel for the parties.

Learned counsel for the appellant is unable to deny that impugned order dated 21.07.2022 is an interlocutory order. In terms of Section 19 of the Family Courts Act, no appeal *qua* an interlocutory order is maintainable. Moreover, question of interim restraint upon the respondent from continuing with divorce proceedings at U.S.A, at this stage when said proceedings have admittedly culminated in a decree of divorce (though *ex-parte*), does not arise.

Keeping in view the above, we find no justification in keeping the present appeal pending, at this stage. It is however, directed that respondent shall appear before the learned Family Court, Panipat, in the pending proceedings through his attorney. Needless to say, the appellant is at liberty to challenge the decree whereby divorce has been granted by the State of Connecticut Superior Court on 23.08.2022, in accordance with law, if so advised.

Appeal is disposed of accordingly.

It is clarified that there is no expression of opinion on the merits of the matter pending before the learned Family Court, Panipat.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

March 01, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.