

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

**FAO No. 219 of 2023 (O&M)
Date of Decision: 13.03.2023**

SHIVANI SHARMA
Versus

..... Appellant(s)

DIXIT KAUSHAL

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Manan Bhardwaj, Advocate
for the petitioner.

LISA GILL, J.

This appeal has been filed challenging order dated 21.07.2022 (Annexure A-1), whereby notice in the petition under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act), filed by the respondent has been issued to the present appellant. Challenge is also laid by the appellant to order dated 01.10.2022 whereby it is noted that summons issued to the respondent (present appellant) on 21.07.2022 have not been received back served or otherwise and fresh notice has been issued to the appellant by way of registered post.

Order dated 21.07.2022 reads as under:-

“Petitioner under Section 9 of Hindu Marriage Act received by way of entrustment. It be registered. Notice to respondent be issued through ordinary process for 01.10.2022 on filing of requisite process fee within week's time.”

and order dated 01.10.2022 is reproduced as hereunder:-

“Summons of respondent not received back either served or unserved from Himachal Pardesh. Let respondent be summoned afresh by way of registered post for 18.01.2023 on filing of registered cover, copies and AD within 7 days.”

Learned counsel for the appellant has sought to raise arguments on the merits of the matter, which in our considered opinion cannot be a ground of challenge to the issuance of notice to the respondent. Thereafter, learned counsel for the appellant stated that there is a possibility of an amicable resolution of the dispute but at the same time, appellant has apprehensions of travelling to Pathankot, which otherwise is also very difficult for her.

Be that as it may, we find no ground whatsoever for interference in the impugned orders issuing notice to the present appellant in the petition under Section 9 of the Act. Learned counsel for the appellant is unable to deny that appropriate remedy for the grievances being raised before us is available to the appellant and present appeal is clearly not the answer.

Finding no merit, this appeal is dismissed with liberty to the appellant to avail the remedy/remedies as may be available to her in accordance with law for the grievances raised as above.

Pending miscellaneous applications, if any, shall stand disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

13.03.2023

Sunil

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