

2024-PHHC-122203-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2280-2024 (O&M)
Date of decision: 16.09.2024

GAGANDEEP KAUR THROUGH HER SPA
...Appellant
Versus
DARSHAN SINGH
...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Arora, Advocate for appellant.

SUDHIR SINGH, J.
CM-8513-CII-2024

For the reasons given in the application, the same is allowed and the delay of 143 days in filing the appeal is condoned, subject to all just exceptions.

FAO-2280-2024

Challenge in the present appeal is to order dated 29.09.2023, passed by the learned Principal Judge, Family Court, Ferozepur (hereinafter referred as to Family Court), whereby the petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred as 'the Act') filed by the appellant-wife, has been dismissed under Order 17 Rule 3 CPC and for her non appearance.

2. At the very outset, learned counsel appearing for the appellant-wife could not point out as to why the appellant-wife has not preferred an application for restoration of the petition, which was dismissed vide the impugned order on account of her non appearance.
3. Faced with such a situation, learned counsel for the appellant-wife submits that she may be granted liberty to move an appropriate application for restoration of the divorce petition before the learned Family Court.
4. In view of the above, the present appeal is dismissed, reserving liberty to the appellant-wife to move an appropriate application for restoration of the divorce petition before the learned Family Court. It is made clear, that if any such application is moved by the appellant-wife, the same shall be decided by the learned Family Court, in accordance with law.

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

16.09.2024
Himanshu

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