

CM-14586-87-CII-2024 in
RA-CR-109-2024 in
FAO-6255-2019
Date of Decision: September 06, 2024

Sneh Lata

..... Appellant

Versus

Devender

..... Respondent

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

Present: Mr. Anil Rathee, Advocate for the applicant-respondent.

LISA GILL, J.

1. Prayer is for review/recall of order dated 12.05.2023 whereby appeal filed by non-applicant/appellant was disposed of wherein judgment and decree dated 19.07.2019 passed by learned Additional Principal Judge, Family Court, Sonapat was set aside and petition under Section 13(1)(ia) of Hindu Marriage Act, 1955 filed by the wife was allowed.

2. Primary argument raised by learned counsel for applicant-respondent is that applicant-respondent was not even aware of pendency of this appeal, therefore, matter should be heard on merits after recalling order dated 12.05.2023. It is submitted that applicant-respondent presumed that notice had been issued in CRR(F) No. 472 of 2019 only. It is, thus, prayed that this application be allowed.

3. Heard learned counsel for the applicant-respondent. However, we do not find any ground whatsoever which calls for review/recall of order dated 12.05.2023. It is a matter of record that applicant-respondent was duly served on 16.11.2019. He was proceeded exparte on 14.02.2023. Matter was adjourned twice thereafter, though at request of learned counsel for appellant. Appeal was ultimately heard and judgment reserved on 19.04.2023, which was pronounced on 12.05.2023.

4. Argument raised on behalf of the applicant – respondent that he should have been served afresh when the matter was taken up after outbreak of pandemic COVID-19 is noticed only to be rejected. There is no question of fresh notices being served upon parties in this situation. It is further to be noticed that applicant-respondent was duly pursuing CRR(F) No. 472 of 2019 filed by the appellant – wife. The plea raised that applicant presumed notice in the present proceedings to have been issued in CRR(F) No. 472 of 2019 in fact indicates that applicant- respondent was very well aware of the pendency of proceedings and deliberately chose to stay away.
5. Learned counsel for applicant-respondent is unable to point out any ground whatsoever which calls for review /recall of order dated 12.05.2023.
6. There is a delay 436 days in filing the review application. Keeping in view the facts as narrated in the foregoing paras, we do not find any reasonable explanation for condonation of delay of 436 days in filing the review application.
7. Keeping in view the above facts and circumstances, application seeking condonation of delay of 436 days as well as review application are dismissed being devoid of any merit.
8. Pending application(s), if any, stand(s) disposed of.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

September 06, 2024
rts

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