

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-5565-2023 (O&M)
Date of Decision: 15.04.2024

Ram Saroop
..... Appellant
Versus
Asha Rani and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Kumar, Advocate
for the appellant.

SUDHIR SINGH J. (ORAL)

CM-2955-CII-2024:

Prayer in the present application is for placing on record copies of zimni orders passed by the learned trial Court as Annexures A-5 to A-10.

For the reasons mentioned in the application, same is allowed and copies of zimni orders (Annexures A-5 to A-10) passed by the learned trial Court are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

FAO-5565-2023:

1. Appeal herein is against impugned order dated 31.08.2023 passed by learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, whereby petition filed by the respondents under Section 18 of the Hindu Adoption and Maintenance Act, 1956 was partly allowed *ex-parte*.
2. Vide order dated 10.10.2023, record of Civil Suit No. 12 of

duly served.

3. A perusal of record reveals that vide order dated 02.11.2021, defendant was proceeded against *ex-parte* since publication under Order V Rule 20 was duly effected and none appeared on his behalf. Thereafter, vide order dated 01.02.2023, application, moved by appellant/defendant for setting aside the aforesaid *ex-parte* proceedings, was also dismissed in default. Further vide order dated 24.08.2023, learned Court below dismissed the application filed by the defendant/appellant for restoration of application for setting aside *ex-parte* order and proceedings. Subsequently, vide impugned order dated 31.08.2023, petition filed by respondents was partly allowed *ex-parte* by learned Court below.

4. Today, learned counsel for the appellant submits that due to oversight, orders dated 02.11.2021, 01.02.2023 and 24.08.2023 have not been challenged; accordingly he prays for withdrawal of the instant appeal with liberty to file afresh while challenging orders dated 02.11.2021, 01.02.2023 and 24.08.2023 along with judgment and decree dated 31.08.2023 passed by the learned Court below.

5. Keeping in view the aforesaid submission made by learned counsel for the appellant, the present appeal is dismissed as withdrawn with the liberty aforesaid.

6. All pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

15.04.2024
Mahavir/Apurva

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |