



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.136

CR-5528-2024 (O&M)

Date of Decision: 29.10.2024

RASLEEN KAUR

....Petitioner

Versus

GURPREET SINGH

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lokesh Kaushik, Advocate
for the petitioner.

Mr. D.K. Tuteja, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

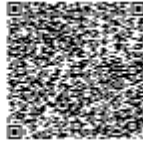
CM-16726-CII-2024

Keeping in view the averments made in the application, same is
allowed.

MAIN CASE

Challenge in the present revision petition is to the order dated
05.03.2024 (Annexure P-6), passed by learned Additional Principal Judge,
Family Court, whereby an application to seek setting aside of the *ex parte*
proceedings in the divorce petition i.e. DMC-249-2019, was dismissed.

The caveator/respondent has made appearance through counsel.



Facts germane to be noticed are as follows:-

That the petitioner is married to the respondent-Gurpreet Singh. Their marriage went on rocks, as a result whereof, litigation was initiated. The respondent-Gurpreet Singh, had filed the petition for seeking divorce, titled '*Gurpreet Singh Vs. Rasleen Kaur*', copy whereof is Annexure P-1. The petitioner had made appearance in the same and filed reply. When the case was at the stage of recording of evidence, the petitioner did not pursue further and was proceeded against *ex parte* on 29.08.2019. Thereupon, when the evidence was recorded, at the behest of the respondent, an application for setting aside of the *ex parte* proceedings was filed, which was allowed. When the witnesses were recorded, the petitioner did not make appearance and as such, was again proceeded against *ex parte*. When again the witnesses were recorded, the petitioner had filed an application for setting aside of the *ex parte* proceedings and the same was again allowed by learned Family Court. Subsequently, again when the witnesses were produced, the petitioner did not pursue the divorce petition and was proceeded against *ex parte*, on 06.12.2023. To seek setting aside of the *ex parte* proceedings, the petitioner had filed an application on 20.12.2023, which was dismissed by learned Family Court, vide order dated 05.03.2024, which is now under challenge.

Learned counsel for the parties heard.

It is submitted by the counsel for the petitioner that there is a matrimonial dispute between the parties to the lis and on account of the same, due to constrained circumstances, faced by the petitioner, she could not make appearance and was proceeded against *ex parte*, three times.

However, she had joined the proceedings twice. Furthermore, it is submitted



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that since it is a matrimonial alliance, which is at stake, the counsel for the petitioner makes a prayer for acceptance of the revision petition and given only one more opportunity to the petitioner, to join the proceedings before learned Family Court, so that the matter is adjudicated on merits.

On the other hand, the counsel for the caveator/respondent submits that the petitioner had been proceeded against *ex parte* multiple times. In the given circumstances, she is adopting only the delaying tactic to ward off the decision, to be given in the divorce petition.

In view of the aforesaid submissions, it is pertinent to mention that it is a matrimonial dispute between the parties and the divorce petition is pending adjudication. Thus, it is a serious litigation between the parties, wherein their relationship is at stake. Considering solely the aforesaid fact, without prejudice to the rights of the parties, to be adjudicated on merits, the revision petition is hereby accepted and the impugned order is set aside.

But anyways, considering the interest of the respondent, also, it is appropriate to give a time bound direction, for the decision of the divorce petition. The parties shall make appearance before learned Family Court, on the date fixed i.e. 06.11.2024 and the petitioner shall join the proceedings on that very date. However, it is made clear, that in case of any lapse, on the part of the petitioner, no further opportunity shall be given by learned Family Court, for her appearance. Subject to appearance of the petitioner before learned Family Court, the Family Court shall further adjourn the case, in such a manner, so as to facilitate the recording of statement of the witnesses produced by the respondent, within a period of three weeks, after the petitioner makes appearance. In case, any witness is to be summoned, double set of summons be issued and one set be given *dasti*. Also, learned



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Family Court shall take all steps to ensure service of the summoned witness, (if any), for completion of the evidence, within a period of three weeks, from 06.11.2024.

The petitioner shall be given only two opportunities, within the month of December only, to lead evidence, more particularly, considering the prayer made by the petitioner, for seeking only one effective opportunity. Thereupon, learned Family Court shall decide the divorce petition by 30.01.2025.

29.10.2024
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(ARCHANA PURI)
JUDGE

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