

2025-PHHC:037146-DB



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

FAO-1517-2025 (O&M)

Date of Decision : 07.03.2025

SONAM

.... APPELLANT

V/S

NITIN

.... RESPONDENT

**CORAM : HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present :- Mr. R.K.Choudhary, Advocate, for the appellant.

SUDHIR SINGH, J.

CM-4648-CII-2025

For the reasons given in the application, the same is allowed and delay of 191 days in filing the appeal is condoned.

FAO-1517-2025

Challenge in the present appeal is to the order dated 21.05.2024 passed by the learned Principal Judge, Family Court, Palwal, whereby an application filed by the appellant for restoration of the divorce petition, has been dismissed.

2. The divorce petition filed by the appellant was dismissed as withdrawn vide order dated 09.03.2024 passed by the National Lok Adalat, Palwal. Subsequently, the appellant had filed an application for recalling the said order and restoration of the divorce petition, pleading therein that the said divorce petition had been wrongly withdrawn by one Sonam through

her counsel. It was further pointed out that the appellant had never sought withdrawal of the divorce petition and therefore, the divorce petition deserved to be restored to its original number.

3. The learned Family Court, while dismissing the application filed by the appellant has observed that while moving the application seeking restoration, the appellant did not mention the title of other petition along-with case number and date of hearing. It was further observed that the information provided by the appellant was absolutely inadequate to believe her story that the divorce petition was dismissed as withdrawn under a mistaken belief of the other petition pending before the Court. It was still further observed that the order dated 09.03.2024, was passed in the presence of Mr. O.P. Chechi, Advocate, in the National Lok Adalat, who did not dispute the affidavit of the appellant.

4. Learned counsel appearing for the appellant has vehemently argued that the divorce petition was got dismissed as withdrawn by one Sonam daughter of Rajender, resident of village Baikhera, Tehsil Sohana, District Gurgaon whereas though the name of the appellant is also Sonam, yet she is daughter of Yograj. It is further argued that the earlier similar application moved by aforesaid Sonam daughter of Rajender, had been dismissed by the learned Family Court passing a verbatim similar order and therefore, the finding of the Family Court that no particulars of the case or the parties were mentioned in the application seeking restoration of the appeal, is legally untenable.

5. We have heard the learned counsel for the appellant and have also gone through the case file including the impugned order.

6. A perusal of the documents on the file would show that there are two orders, first dated 25.04.2024 and another dated 21.05.2024 (impugned order). A perusal thereof further shows that in both the applications, the number of the divorce petition is the same i.e., HMA-510-2022. The learned counsel for the appellant could not point out as to how the number of the divorce petition has been mentioned as one and the same in both the orders. This clearly indicates that there is some *mala-fide* on the part of the appellant to seek restoration of the divorce petition, which according to the appellant had been got dismissed as withdrawn under the mistaken identity.

7. In view of the above, we do not find that any case is made out for interference with the impugned order passed by the learned Family Court.

8. Consequently, the present appeal is dismissed.

9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

07.03.2025

Anju/Himanshu

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No