

2025:PHHC:036273-DB



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

FAO-4380-2024 (O&M)

Date of decision: 17.03.2025

SUKHWINDER SINGH

.....Appellant

Versus

SUKHDEEP KAUR

.....Respondent

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

Present:- Mr. K.S. Lakhanpal, Advocate for the appellant.

SUDHIR SINGH, J.

CM-16088-CII-2024

For the reasons given in the application, the same is allowed. Delay of 377 days in filing the appeal is condoned, subject to all just exceptions.

FAO-4380-2024

Challenge in the present appeal is to the judgment and decree dated 19.07.2023 passed by learned Principal Judge, Family Court, SBS Nagar (for short the 'Family Court'), whereby, the petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife, was allowed *ex parte* and the marriage between the parties was dissolved by a decree of divorce.

2. At the very outset, this Court has put a query to the learned counsel for the appellant-husband, whether the appellant has moved any application for setting aside the *ex parte* proceedings/ *ex parte* judgment and decree before the learned Family Court. However, the answer is in negative.

3. Faced with such a situation, learned counsel for the appellant seeks withdrawal of the present appeal with liberty to move the learned Family Court by filing an application under Order 9 Rule 13 CPC.

4. In view of the above, without commenting on the merits of the case, the present appeal is dismissed as withdrawn with liberty aforesaid.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

17.03.2025

himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No