

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-6026-2025****Date of Decision: September 02, 2025****Neha Srivastava****...Petitioner****Versus****Amit Chauhan****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Gaurav Arora, Advocate for the petitioner.**DEEPAK GUPTA, J.(Oral)**

Petitioner has approached this Court by assailing the order dated 01.08.2025 passed by learned Addl. Principal Judge, Family Court, Faridabad, whereby her application to serve the respondent through publication, has been declined in case No.HMA-1107-2024, titled as "***Neha Shrivastava v. Amit Chauhan***".

2. Learned counsel for the petitioner submits that the petitioner-wife filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the HMA Act') seeking a decree of divorce against her husband – Amit Chauhan (respondent herein). The divorce petition was taken up on 02.07.2024 and the respondent-husband was directed to be served for 29.10.2024 through speed post as well as registered post. On the adjourned date, i.e. 29.10.2024, notice issued to the respondent had not been received back served or unserved and fresh notice was directed to be issued for 29.01.2025 through courier service.

3. Learned counsel for the petitioner has drawn attention towards track consignment report (Annexure P-3), which would reveal that the item, i.e. notice, was delivered at the address of respondent on 20.12.2024, but in the order dated 29.01.2025, the Court observed that notice had not been

received back served or unserved, so directed to issue fresh notice for 03.04.2025. Learned counsel has then drawn attention towards the notice sent for 03.04.2025 and report of that notice, i.e. Annexure P-5, which would reveal that on 25.03.2025, notice was taken *dasti* to serve upon the respondent at his given address, where his mother, namely, Lily Chauhan was present, who after reading over the summons, received the same at her own responsibility. Despite the said notice, having been served *dasti* upon respondent through his mother, the Court rejected the report on the ground that summon did not bear the name and signature of the concerned Process Server and so directed to issue fresh notice through courier for 22.05.2025. As per the report of concerned Nazarat Branch dated 21.05.2025, the given address was visited and on inquiry, it was disclosed that respondent along with his family had gone somewhere out of station. In view of this report, fresh notice was directed to be issued to the respondent for 05.09.2025 at correct address.

4. Learned counsel for the petitioner further submits that no such report was received on any of the summons that the given address was incorrect. Faced with the circumstances, the petitioner-wife moved an application (Annexure P-9) for substituted service of the respondent by way of publication by pointing out that summon had been sent several times including through courier and twice by *dasti*, but respondent was absconding and as such, he should be served by way of publication. Learned counsel further submits that despite all these reasons, the Family Court rejected the application by making incorrect observation that notice was not served at the given address, despite the fact that there is no report to the effect that the given address of the respondent was not correct.

5. Having noticed all the aforesaid contentions made by learned counsel for the petitioner, which are based upon record, the impugned order is hereby set aside and the trial Court is directed to pass a fresh order keeping in view all the facts and circumstances of the case for serving the respondent, in accordance with law.

Disposed of.

September 02, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No