



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

**Sr. No.122**

**CR-5344-2025**

**Date of Decision: 11.08.2025**

**BALKARAN SINGH**

**...Petitioner**

**Versus**

**JASDEEP KAUR**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present:- Mr. Satbir Singh Gill, Advocate  
for the petitioner.

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**PARMOD GOYAL, J. (Oral)**

The present petition has been filed for setting aside the impugned order dated 23.05.2025, Annexure P-5, passed by Family Court, Sirsa, vide which *ex parte* judgment and decree dated 21.12.2022 has been set aside, allowing the respondent/wife to contest the case on merits.

It is pertinent to note that the matter was fixed on 05.12.2022 after unsuccessful mediation before the Mediation and Conciliation Centre on account of non-appearance of the respondent/wife on 05.12.2022, and she was proceeded against *ex parte*. Thereafter, *ex parte* decree of divorce was passed on 21.12.2022.

It is also submitted that on 05.12.2022 two petitions between the same parties i.e. present petitioner and respondent, were pending before the Family Court, Sirsa. One petition was filed under Section 13 of Hindu Marriage Act and another petition was preferred by the husband for custody of children.

After mediation, the matter regarding custody was adjourned to



13.02.2023 whereas divorce petition was taken up on 05.12.2022, on which date, respondent could not appear and she was proceeded against *ex parte*.

In her application for setting aside *ex parte* order, respondent/wife gave reason of non-appearance to be death of her brother-in-law. However, learned counsel for the petitioner is challenging the said reason on the ground that the respondent has not produced any material to show that her brother-in-law had died on 05.12.2022 and therefore, he asserts that learned Family Court has erred in allowing the application of respondent/wife.

However, no material has been shown by the petitioner to controvert the statement made by the respondent/wife which she had duly made by filing her affidavit along with application for setting aside *ex parte* decree. In these circumstances, in the absence of any material to counter statement made on oath by way of affidavit, the order under challenge cannot be interfered. Moreover, it was the duty of the Court to give notice to respondent before proceeding her *ex parte*, when the case file was received back from the Mediation Centre.

No ground is, therefore, made out to interfere with the order passed by the learned Family Court, Sirsa.

Hence, the same is hereby dismissed.

**11.08.2025**

Anu

**(PARMOD GOYAL)**  
**JUDGE**

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