



CR-6678-2025 (O&amp;M)

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

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**CR-6678-2025 (O&M)  
Decided on :- 19.09.2025**

Jagdeep Singh

....Petitioner

VERSUS

Ramanpreet Kaur

....Respondent

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Vikas Kuthiala, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. The present civil revision petition under Article 227 of the Constitution of India has been filed by the petitioner Jagdeep Singh for setting aside the order dated 11.07.2025 passed by the learned Principal Judge, Family Court, Patiala in Interim Application No. 01 of 2025 arising out of case titled “Jagdeep Singh v. Ramanpreet Kaur”, whereby the application filed by the respondent for setting aside the ex parte order dated 21.08.2024 was allowed.

2. Briefly stated, the facts are that the petitioner filed a divorce petition at Patiala under the Hindu Marriage Act, 1955. Summons were issued to the respondent on 09.12.2022 and as per the process server’s report dated 12.01.2023, service was effected upon Narinder Pal Singh, real brother of respondent Ramanpreet Kaur. Subsequently, summons dated 18.06.2024 were also sent through e-mail and the same were duly acknowledged by the respondent herself on 15.07.2024. Despite service on both occasions, the respondent did not put in



appearance and was proceeded against ex parte by order dated 21.08.2024. Thereafter, the respondent, through her brother, moved an application dated 07.05.2025 for setting aside the said ex parte order. The application was accompanied by a prayer for condonation of delay. Learned Family Court, after hearing the parties, allowed the application on 11.07.2025 subject to costs of ₹2,000/-.

3. The contention raised by learned counsel for the petitioner before this Court is that the impugned order is illegal and unsustainable. It is submitted that the respondent was duly served twice and still chose not to appear, and hence no indulgence ought to have been shown to her. It is further argued that the application was filed nearly nine months after the ex parte order without any satisfactory explanation and that the respondent has misled the Court by asserting that she came to know of the ex parte proceedings only one week prior to moving her application. On these grounds, it is urged that the Family Court erred in setting aside the ex parte order.

4. I have considered the submissions and carefully gone through the record. At the outset, it is not disputed that the petitioner himself is residing in Canada and had also instituted divorce proceedings there, which culminated in a decree of divorce. However, as the marriage had been solemnised in India as per Hindu rites and was duly registered at Patiala under the Hindu Marriage Act, 1955 the petitioner also instituted proceedings in India. The respondent is also residing in Canada, and it is in this backdrop that the question of service and her absence from the proceedings has to be viewed.

5. Though it may be correct that summons were served through her brother and also through e-mail, the fact remains that the respondent is living



abroad. Her explanation that she could not participate effectively in the proceedings cannot be brushed aside lightly. A litigant residing overseas cannot be placed on the same footing as one residing within jurisdiction. The law leans in favour of affording opportunity to a party to contest matrimonial proceedings rather than deciding them ex parte, particularly where valuable matrimonial rights are involved.

6. It is a settled principle that no party should be condemned unheard. Courts exist to adjudicate disputes on merits rather than on technicalities of procedure. Delay, unless grossly unexplained or mala fide, ought not to come in the way of substantial justice. In the present case, the learned Family Court has rightly exercised its discretion in allowing the application for setting aside the ex parte order. Even if there is some lapse in approaching the Court promptly, the prejudice caused to the petitioner can be compensated by awarding costs, but denying the respondent an opportunity to contest would result in serious miscarriage of justice.

7. Moreover, the Family Court has awarded costs of ₹2,000/- while setting aside the ex parte order. Having regard to the delay on the part of the respondent, this Court is of the view that the costs deserve to be enhanced. Accordingly, while upholding the order of the Family Court setting aside the ex parte order dated 21.08.2024, the costs imposed upon the respondent are enhanced from ₹2,000/- to ₹7,000/- (₹2,000/- already imposed plus ₹5,000/- additional), which shall be paid to the petitioner before the next date of hearing before the Family Court.

8. In view of the above discussion, I find no illegality or perversity in the impugned order dated 11.07.2025 warranting interference under Article 227 of the



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Constitution of India. The civil revision petition is dismissed with the modification that the costs imposed upon the respondent shall stand enhanced to ₹7,000/- as directed above.

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

September 19, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No