



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

**FAO-172-2024 (O&M)
Date of Decision: 04.07.2025**

SUNITA DEVI **... APPELLANT**
VS.

SATNAM KLEIR **.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ravinder Pankaj, Advocate,
for the appellant.

Mr. Charanjit Singh, Advocate, for
Ms. Anupam Bhanot, Advocate,
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

1. Appellant, herein, is respondent's wife. She filed a petition under Section 13 (1) (ia) of the Hindu Marriage Act for grant of decree of divorce. The case was at the stage of service of notice upon the respondent. However, on account of her absence on 02.09.2019, the petition under Section 13 of the Hindu Marriage Act was dismissed for non-prosecution.
2. She filed an application for restoration of the petition claiming that she noted 02.11.2019 as next date of hearing hence, she could not appear on 02.09.2019. The Court has dismissed the case on the ground that the appellant has failed to furnish the registered cover despite three opportunities. Ultimately, the registered cover was required to be furnished in order to serve the notice upon respondent, who is now represented.
3. Learned Principal Judge, Family Court, has taken a conservative view while passing the impugned order. The Family Courts

have been set up in order to resolve the disputes arising between the families or matrimonial relations. Such litigation is required to be decided by taking holistic view in the matter while keeping aside the technicalities.

4. Keeping in view the facts and circumstances of the present case, it is not a case of the respondent that the appellant has malafidely delayed the proceedings. The case was at the initial stage. Now the respondent is represented. Hence, the impugned order passed on 29.08.2023 while dismissing her application for restoration of the divorce petition is set aside while requesting the Principal Judge to decide the case on merits after granting opportunities to the parties, who are directed to appear before the Court through their counsel on 31.07.2025.

5. The present appeal is allowed in the aforesaid terms.

(ANIL KSHETARPAL)
JUDGE

04.07.2025
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(ROHIT KAPOOR)
JUDGE

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