

2025:PHHC:069863



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

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**CR-3149-2025 (O&M)**

**Date of Decision: 22.05.2025**

**SHAMSHER SINGH**

. . . . PETITIONER

**Vs.**

**AMARJOT KAUR**

. . . . RESPONDENT

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Bhavesh Aggarwal, Advocate, for the petitioner.

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**DEEPAK GUPTA, J.**

Petition under Section 13 of the Hindu Marriage Act, 1955 was filed by wife Amarjot Kaur (*respondent herein*) seeking dissolution of her marriage by way of decree of divorce against her husband-Shamsher Singh (*petitioner herein*). Said husband was proceeded *ex parte* vide order dated 12.12.2022 (*Annexure P4*). He moved an application dated 21.02.2024 (*Annexure P6*) for setting aside the *ex parte* proceedings, but the same was rejected by the concerned Family Court, Ludhiana by way of impugned order dated 12.05.2025 (*Annexure P8*), which is assailed before this Court.

2. It is contended by learned counsel for the husband (*petitioner herein*) that he had appeared before the Family Court on 16.08.2022 in person, where he met his wife's mother and who assured that she would make her daughter (*i.e. the wife of petitioner*) understand and would withdraw the petition. In good faith, petitioner flew to Canada in November 2022 and returned to India on 28.09.2023. On enquiring about the status of the case, he came to know that petition had not been withdrawn and so, he engaged the counsel and moved the application. However, this contention of the petitioner-husband was not believed by the Family Court and the application was rejected.

3. Learned counsel submits that petitioner be granted one opportunity to appear before the Family Court and to file the written statement so as to contest the petition.

4. This Court does not find merit in the petition.

5. It will be relevant to reproduce the observations made by the Family Court, Ludhiana while dismissing the application of the petitioner-husband for setting aside the ex parte proceedings. These read as under: -

“Perusal of the file reveals that respondent appeared in the court in person on 16.08.2022 and the case was then adjourned to 02.11.2022 for filing written statement. However, thereafter the respondent did not appear and was proceeded against ex-parte on 12.12.2022. Petitioner then led her ex-parte evidence and statement of the petitioner was recorded on 13.10.2023. Subsequently, respondent moved application for setting aside the ex-parte proceedings on 10.04.2024. Thereafter, respondent again stopped appearing and his application for setting aside ex-parte proceedings was dismissed in default on 10.10.2024. The entire act and conduct of the respondent, right from day one has been to linger on the proceedings of the case for reasons best known to him. Despite appearing in this case on 16.08.2022 he has not allowed the case to move forward and he did not file his written statement and even his application for setting aside ex-parte proceedings was dismissed in default by this for non-appearance. His act and conduct can further be gauged from the fact that he himself admits that he came to know that he had been proceeded against ex-parte on 30.09.2023 but he moved application for setting aside ex-parte proceedings on 10.04.2024 i.e. after a lapse of more than 6 months. Though under normal circumstances every party has a right of being heard, but in exceptional cases where the intention of the party is only to delay and linger the proceedings of the case he cannot be allowed to do the same. Clearly the present case falls under the exceptional category where the respondent just wants to delay and linger the proceedings of the case on one pretext or the other. Accordingly, the

application in hand having been filed just to delay and linger the proceedings is hereby dismissed.”

6. The abovesaid observations would clearly indicate that after being proceeded *ex parte* on 12.12.2022, the petitioner herein moved an application for setting aside the *ex parte* proceedings on 10.04.2024. Even thereafter, he stopped coming and so, the application was dismissed in default on 10.10.2024. Not only this, though as per the own contention of the petitioner-husband, he had come to know about the *ex parte* order on 30.09.2023, still he moved the application for setting aside the *ex parte* proceedings on 10.04.2024 i.e. after lapse of more than six months.

7. Learned Family Court has rightly observed that in the aforesaid facts and circumstances, the intention of the petitioner herein was very clear that he simply wanted to delay and linger on the proceedings, which could not be allowed.

8. This Court does not find any illegality or perversity in the impugned order. As such, holding the present revision to be devoid of any merit, the same is hereby dismissed.

22.05.2025

*Vivek*

(DEEPAK GUPTA)  
JUDGE

<i>Whether speaking/reasoned?</i>	<b>Yes</b>
<i>Whether reportable?</i>	<b>No</b>