

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5487 of 2017

(Arising out of SLP (C) NO.3356 OF 2016)

KUMARI MEENA BASEDA

Appellant(s)

VERSUS

RAMESH PAL SINGH

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant is aggrieved by the ex-parte decree for restitution of conjugal rights passed by the trial court. The court declined the prayer for setting aside the ex-parte decree. The High Court has dismissed the appeal filed by the appellant.

We are satisfied that the appellant is entitled to an opportunity of being heard in the proceedings and it will not be in the interest of justice that the decree becomes final without participation of the appellant in the proceedings.

Accordingly, we set aside the impugned order and remand the matter to the trial court for fresh decision on merits in according with law.

The parties are directed to appear for further proceedings before the trial court on Monday, the 24th July, 2017.

The appeal is allowed in above terms.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
APRIL 21, 2017.

ITEM NO.59

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3356/2016

(Arising out of impugned final judgment and order dated 21/09/2015 in FA No. 502/2015 passed by the High Court Of Judicature at Allahabad)

KUMARI MEENA BASEDA

Petitioner(s)

VERSUS

RAMESH PAL SINGH

Respondent(s)

(With appln. (s) for exemption from filing O.T. and permission to submit additional document(s) and interim relief and office report)

Date : 21/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. Farooq Raza,Adv.
Mr. Manish Kumar,Adv.
Mr. Himanshu Mehra,Adv.
Mr. Sudarshan Singh Rawat,Adv.

For Respondent(s) Mr. Bankey Bihari,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, this appeal is allowed.

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)