

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6623/2026

Omprakash S/o Shri Dhanaram, Aged About 39 Years, R/o
Gudakalan, Tehsil Sojat, District Pali, Rajasthan.

-----Petitioner

Versus

Vijiya W/o Omprakash D/o Mularam, R/o Gudakalan, Currently
Resident Of Pachunda Khurd, Tehsil Sojat, District Pali,
Rajasthan.

-----Respondent

For Petitioner(s) : Mr. Ramdev Rajpurohit

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

1. Learned counsel for the petitioner submits that the petitioner–husband instituted proceedings under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as “the Act”). It is contended that although notice of the said application was issued by the learned trial court, the respondent–wife refused to accept service, whereupon the learned trial court proceeded ex-parte and passed a decree in favour of the petitioner–husband vide order dated 23.02.2024. It is further submitted that, in pursuance of the said ex-parte decree, the petitioner issued a legal notice dated 13.06.2024 to the respondent seeking restitution of conjugal rights. Thereafter, the respondent–wife assailed the ex-parte decree dated 23.02.2024 by filing an application under Order IX Rule 13 of CPC for setting aside the same. The petitioner–husband filed a reply opposing the said

application, contending that it was barred by limitation. It is argued that the learned trial court erred in law in allowing the application under Order IX Rule 13 CPC, inasmuch as the respondent-wife failed to furnish any satisfactory explanation for the delay in seeking to set aside the ex-parte decree.

2. The matter requires consideration.
3. Issue notice to respondent(s), returnable within six weeks.
4. In the meanwhile and till the next date of hearing, effect and operation of the order dated 13.10.2025 passed by the learned Additional District Judge, Sojat, District Pali in Civil Misc. (N.R.) Case No.29/2025 (CIS No.29/2025), shall remain stayed.
5. List after eight weeks.

(MUKESH RAJPUROHIT),J