

01
10.06.2026
S.D.
Ct. No. 37
Bench Id
266046

FAT 192 of 2026

**Kulbinder Kaur @ Kulwinder Kaur
Vs.
Shamsher Singh
With
CAN 1 of 2026
CAN 2 of 2026**

Mr. Pralay Hazra
....For the Appellant

Appeal is admitted.

The appeal is required to be heard on merits.

Call for the trial court records.

The appellant shall put in postal costs and requisites for service of notice of the appeal on the respondent.

The trial court records shall be brought by special messenger at the cost of the appellant.

The appellant shall prepare and file the requisite number of paper books within four six weeks from the date of service of notice of arrival of the trial court records on the learned advocate for the appellant.

Appeal is at the behest of the defendant in a suit filed under Section 13 (1)(i)(b) of the Hindu Marriage Act, 1955.

Appellant is the wife of the respondent.

Learned advocate appearing for the appellant submits that, the respondent filed the matrimonial suit by describing the residence of the appellant at a place where the appellant does not reside. He contends that the respondent was aware of the actual address of the appellant. He contends that the address of the appellant was deliberately mis-described in the cause title of the plaint in order to deny the appellant a reasonable opportunity to contest the suit.

Learned advocate appearing for the appellant submits that the respondent is likely to enter into a new marriage unless the impugned judgment and decree is stayed.

The appeal is directed against an *ex parte* judgment and decree dated March 12, 2026 passed in Matrimonial Suit No. 2935 of 2024.

By the impugned judgment and decree, learned Trial Judge passed a decree under Section 13 of the Act of 1955. Learned Trial Judge dissolved the marital tie between the parties solemnized on October 15, 2003 as per Sikh rites and customs.

In view of the urgency pleaded and in view of the fact that the appeal would be rendered infructuous if the respondent enters into a second marriage, it would be appropriate to grant stay of the impugned judgment and decree.

There will be a stay of the impugned judgment and decree dated March 12, 2026 till September 30, 2026 or until further orders, whichever earlier.

Appellant will serve a copy of this order along with the cause papers upon the respondent and file affidavit of service with regard thereto.

List the applications on June 15, 2026.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)