

CPC, 1908 Order 9, Rule 13 – Ex parte decree – Setting aside of – Pleaded Non-resident Indians – In order to satisfy the test in provisions of the Act can depend only on the travel entries stamped in his passport to prove that he has never been to India throughout the relevant period from the date of filing of the suit till the ex parte decree – If he fails to produce his passport called by the Court or any other contemporaneous evidence, such as complaints made to the High Commission of India in Australia or to the passport authorities in India, showing that his passport was and is in the illegal custody of his disputing wife, he must suffer the consequences of the decree.

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