

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**LOK SABHA
UNSTARRED QUESTION NO. 3344
TO BE ANSWERED ON FRIDAY, THE 07th AUGUST, 2026**

EX PARTE CIVIL AND FAMILY COURT CASES

3344. DR. AMAR SINGH:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) whether the Government is aware that ex parte orders are being passed in civil and family court cases where one of the parties is unable to appear or effectively defend their case due to mental illness, intellectual disability, serious medical condition or other circumstances beyond their control;
- (b) whether any guidelines or safeguards exist to enable courts to ascertain the capacity of such absent parties before proceeding ex parte, if so, the details thereof;
- (c) whether the Government has collected data on such cases, if so, the details thereof and if not, the reasons therefor; and
- (d) whether the Government proposes to amend the law or issue directions to ensure appointment of a guardian, legal aid counsel or other appropriate representation for vulnerable persons before ex parte orders are passed, so as to uphold the principles of natural justice?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW
AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): Ex parte proceedings in civil and family court cases are governed by the provisions of the **Code of Civil Procedure, 1908 (CPC)**, the **Family Courts Act, 1984**, and other applicable laws. Under the CPC, a court may proceed ex parte only after being satisfied that summons has been duly served and the party has failed to appear in accordance with the prescribed procedure.

Adequate statutory safeguards already exist under the **Code of Civil Procedure, 1908 (CPC)**, which provides remedies for setting aside an ex parte decree (**Order IX, Rule 13**) where sufficient cause for non-appearance is established. Further, where a party is of unsound mind or is otherwise incapable of protecting his or her interests on account of mental infirmity, the CPC contains provisions for representation through a next friend or guardian (**Order XXXII Rule 15, read with Rules 3 and 4**), as the case may be.

The courts exercise their judicial discretion in accordance with the facts of each case and the applicable law. No separate guidelines have been issued by the Central Government in this regard.

No centralized data is maintained by the Government regarding ex parte orders passed in civil or family court cases specifically involving persons suffering from mental illness, intellectual disability, serious medical conditions, or other similar circumstances beyond their control.

(d): Legal services institutions constituted under the **Legal Services Authorities Act, 1987** provide free legal services to eligible persons in accordance with the provisions of the Act and uphold the principles of natural justice. At present, there is no proposal under consideration of the Government to amend the law or issue separate directions in this regard.
