



2025:UHC:11675-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE MR. RAVINDRA MAITHANI, J.
HON'BLE MR. ASHISH NAITHANI, J

APPEAL AGAINST ORDER No.306 of 2024

Sangeeta Rani ...Appellant

Versus

Santosh Kumar ...Respondent

Counsel for the appellant : Ms. Shruti Joshi, learned counsel.

Counsel for respondent : Mr. Pooran Singh Rawat with Mr. M. C. Upadhyay, learned counsel.

JUDGMENT : (per HON'BLE MR. RAVINDRA MAITHANI, J.)

The challenge in this appeal is made to the order dated 07.03.2024 passed by the Family Court Judge, Vikas Nagar, District Dehradun in O.S. No.95 of 2021, '*Santosh Kumar vs. Sangeeta Rani*', ("the Case") by which an application filed by the appellant for further cross-examination of the respondent has been rejected.

2. Heard and perused the records.

3. Respondent filed a petition seeking divorce. It is basis of the case. In the case on 27.01.2024, the respondent was cross-examined on behalf of the appellant. Thereafter, an application was filed by the appellant on the ground that on the date of cross-



examination of the respondent, learned Senior Advocate for the appellant was not at the station, therefore, on certain important points, cross-examination could not be done. Therefore, the respondent may be permitted to be further cross-examined by the appellant. This application, after hearing, has been rejected by the impugned order.

4. In the impugned order, the Court has recorded that respondent has been extensively cross-examined and if the learned Senior Advocate for the appellant was out of station, this may not be a ground for further cross-examination.

5. Learned counsel for the appellant submits that, in fact, it is the respondent who is committing cruelty upon the appellant. The respondent is in extra marital relationship with a woman, with regard to which objections have been raised by the appellant in paragraph 33 and other places of her written statement filed in the case, but she submits that on the aspect of extra marital relations of the respondent, detailed cross-examination could not be done, therefore, the application was filed, which ought to have been allowed



but the court below had committed an error in not allowing the application.

6. Learned counsel for the respondent submits that the appellant has not indicated in his application as to on which points further cross-examination of the respondent is required. It is argued that the court below has rightly rejected the application submitted by the appellant.

7. The application seeking further cross-examination of the respondent is on record. The only ground which has been raised is that the learned Senior Advocate for the appellant was not available on the date when PW1 Santosh Kumar, the respondent was cross-examined in the case. The court below discussed the legal provisions and held that this may not be a ground for further cross-examining a witness.

8. In fact, this Court requested learned counsel for the appellant to reveal as to on what points further cross-examination is necessary; what is left to be asked from PW1 Santosh Kumar. She submits that the respondent is in extra marital relationship and all those aspects further cross-examination is required. The cross-



examination of the respondent done on 27.01.2024 is not on record but at the time of hearing, it is rendered by the learned counsel for the appellant, let it be taken on record.

9. A look of this cross-examination makes it evidently clear that, in fact, with regard to extra marital relations of the respondent extensive cross-examination has already been done, particularly in paragraphs 27, 33, 34, 35, 37, 45, 46, 52, 53 & 66 the witness has been asked on those aspects.

10. What is complete cross-examination and what is perfect cross-examination, it may not be defined. The facts remain that on the aspects, on which the respondent is proposed to be cross-examined, the respondent has already been extensively cross-examined on 27.01.2024, therefore, there is no reason to permit the appellant to further cross-examine the respondent.

11. In view of the above, this Court is of the view that the court below has rightly rejected the application filed by the appellant for further cross-examination of the respondent.



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12. Accordingly, the present appeal is hereby dismissed.

RAVINDRA MAITHANI, J.

ASHISH NAITHANI, J.

Dt:31st December, 2025
Nitesh/Akash