

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.8817 of 2014 (O&M)
Date of decision:24.12.2014

Harmanpreet Singh

....Petitioner

Versus

Upneet Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Sharad Mehra, Advocate, for the petitioner.

G.S.Sandhawalialia J.(Oral)

Challenge in the present revision petition, filed under Article 227 of the Constitution of India, is for setting aside the order dated 08.12.2014 (Annexure P1), passed by the Court of the Addl.District Judge, Amritsar, vide which, the evidence of the petitioner was closed on account of the fact that in the petition filed under Section 13 of the Hindu Marriage Act, 1955, the petitioner has availed six effective opportunities.

Counsel for the petitioner submits that the petitioner wants to summon a witness from the SSP office, since there was a matrimonial dispute in which certain observations have come that the petitioner was not at fault and the evidence of the said person would be necessary for the just decision of the case. It is further submitted that the issues were framed on 17.04.2014 only and the petitioner has examined himself and his father. It is, accordingly, submitted that costs could have been imposed before the drastic step of closing the evidence and submits that the witness is necessarily to be examined and the petitioner should not have been prejudiced by closing his evidence. He submits that in view of the fact that the diet money has already been deposited but the witness could not be

petitioner be granted two effective opportunities to examine the said witness.

It is settled principle that rules of procedure are handmaids of justice and technicalities are not to come in the way. The matter is to be decided on merits and not on the basis of default committed by the party, as serious civil consequences are involved. Keeping in view the above facts and circumstances of the case, this Court is of the opinion that there is no requirement of issuing notice to the respondent as it will unnecessarily entail expenses and delay the matter. However, it is open to the respondent to file an appropriate application for recalling of the order, in case there is any concealment of fact.

Accordingly, the present revision petition is allowed and the order dated 08.12.2014 (Annexure P1) is set aside. The Trial Court shall grant two effective opportunities to the petitioner to examine the witness, subject to payment of costs of Rs.3000/-, to be paid to the respondent-wife.

24.12.2014
sailesh

(G.S.SANDHAWALIA)
JUDGE