

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2054 of 2015
Date of Decision: 23.3.2015.**

Rajat Chawla

.....Petitioner

Versus

Monika

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashit Malik, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under under Article 227 of Constitution of India challenging the order dated 7.3.2015 (Annexure P-5) whereby application moved by the petitioner for directing the respondent and her parents to give their voice sample for comparison of conversation between them, was dismissed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed petition under Section 13 of the Hindu Marriage Act, 1955 against the respondent seeking dissolution of their marriage on the ground of cruelty and desertion. On the pleadings of the parties, issues were framed by the Trial Court. Petitioner has admittedly concluded his evidence.

When the case was listed for evidence of the respondent, petitioner

moved the application that he wanted to prove the recording of voice of the respondent recorded by him on 27.7.2008 while she was conversing with her parents. The Trial Court rightly dismissed the said application moved by the petitioner as the petitioner could have proved the said conversation while leading his evidence. Admittedly, petitioner had already referred to the said conversation in his petition as well as deposed qua the said conversation when he had filed his affidavit on record in his examination-in-chief. In these circumstances, the application moved by the petitioner was liable to be dismissed as it had been moved at a belated stage.

No ground for interference by this Court is made out.

Dismissed.

However, it is clarified that any observation made by the Trial Court while passing the impugned order will have no bearing on the merits of the case.

**(SABINA)
JUDGE**

March 23, 2015
Gurpreet