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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2987 of 2015

Date of decision: May 04, 2015

Nitin Dhanda

.....Petitioner

Versus

Sheena

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Navdeep Chhabra, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 03.03.2015, whereby application moved by the petitioner under Order 26 Rule 10-A of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

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

Respondent has filed petition under Section 13 of the Hindu Marriage Act, 1955 seeking decree of divorce. During the pendency of the petition, petitioner moved an application under Order 26 Rule 10-A CPC for appointment of medical board to report qua his mental condition.

The learned trial Court vide the impugned order rightly dismissed the application moved by the petitioner as petitioner had failed to produce any medical record to show that he was undergoing any treatment qua his ailment. Even before this Court, although, psychological report (Annexure P-

5) has been placed on record to the effect that the petitioner showed mild intellectual deterioration with significant deficits in memory functioning, but there is nothing on record to suggest that the petitioner was undergoing any treatment qua his mental condition. The report (Annexure P-5) is dated 07.09.2012, but thereafter, there is nothing on record to suggest that in pursuance to the said report, petitioner ever took any treatment for his mental condition. Although, application moved by the petitioner in proceedings under Section 125 of Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) for getting him examined from a medical board, was allowed, but admittedly, there is no report submitted by the medical board in the said case. Petition under Section 125 Cr. P.C. was dismissed-in-default. The fact that application for getting the petitioner examined from medical board in proceedings under Section 125 Cr. P.C. was allowed, is also no ground to allow the present application.

In these circumstances, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 04, 2015

m.singh