

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

(236)

CR No.6487 of 2014

Decided on: July 24, 2015.

Chander Bhan

.... Petitioner

Versus

Om Pati and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Surinder Gandhi, Advocate,
for the petitioner.

Mr. Deepak Girotra, Advocate,
for the respondent.

M.M.S. BEDI, J (ORAL)

This is a revision petition preferred against the order dated 26.08.2014 closing the evidence of the petitioner who is defendant in a petition under Sections 7/8 of the Guardian and Wards Act filed by the respondents No. 1 and 2 for appointing them as guardian of the minors.

The petitioner is maternal grandfather of the minors whereas the respondents No. 1 and 2 are paternal grandfather and grandmother of the children. The Civil Judge (Sr. Division) Rohtak exercising the powers of Guardian Judge has to arrive at just conclusion regarding the welfare of the children on the basis of evidence produced before him by both the parties. The petitioner appears to have been adopting a casual approach in causing delay in the adjudication of the application filed by the respondents for the custody and for their appointment as guardian but the basic principles of rules of natural justice is not to be ignored. The petitioner deserves to be given a fair opportunity to produce the evidence.

It has been informed that the petitioner has examined himself in chief by producing affidavit but he has not yet been cross-examined.

It has been submitted by counsel for the petitioner that he wants to examine one more witness.

This petition is allowed. The impugned order dated 26.08.2014 is hereby set aside. The petitioner is granted an opportunity to produce himself for cross-examination by counsel for the respondents No. 1 and 2 and to produce any other witness at his own responsibility. The trial Court shall give two effective opportunities to the petitioner to conclude his evidence. The trial Court shall give said opportunities within a period of not more than two months, fix the date of hearing for examination of the petitioner and his witnesses. The petitioner will be bound to produce himself alongwith other witness subject to payment of costs of Rs.10,000/- which will be paid on the next date of hearing.

(M.M.S. BEDI)
JUDGE

July 24, 2015
harsha