

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-26969 of 2015
Date of Decision:- 22.09.2015

Gurusharan Lal Awasthi

....Petitioner

Versus

Shalini Vashistha

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

Mr. Surinder Kumar Daaria, Advocate
for the respondent.

SHEKHER DHAWAN, J.

Power of attorney filed on behalf of respondent is taken on record.

2. Learned counsel for petitioner submitted that order dated 05.05.2015 passed by learned District Judge, Family Court, Gurgaon thereby declining the application for allowing the petitioner-husband to cross-examine the respondent-wife and the order dated 07.08.2015 whereby District Judge, Family Court, Gurgaon has closed the defence evidence of the petitioner-husband is liable to be set aside.

3. Learned counsel for the petitioner also submitted that District Judge has failed to consider the grant of an opportunity to cross-examine a witness of one party by the other party is the *sine-qua-non* of any trial and

that has not been done in this case. More so, not providing an opportunity to cross-examine the respondent-wife, who appeared as witness, caused great hardship to the petitioner leading to miscarriage of justice. Petitioner had filed an application immediately for allowing him to cross-examine the respondent-wife on 29.04.2015 but the said request was not considered.

4. Learned counsel for respondent-wife submitted that he has no objection, if the present petition is accepted thereby allowing the petitioner to cross-examine the respondent-wife and order dated 05.05.2015 is set aside. More so, respondent-wife is the material witness in the case and the effective cross-examination upon such a witness is the most essential for fair trial, this aspect is very much more importance when respondent is not disputing the said facts and submitted that the order dated 05.05.2015 be set aside to that extent.

5. In view of above, the present petition is accepted and orders dated 05.05.2015 and 07.08.2015 are set aside thereby allowing one opportunity to the petitioner-husband to cross-examine the respondent-wife.

September 22, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE