

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.43570 of 2014
Date of Decision : 14.01.2015

Bhavna Jain and another

..... Petitioners

Versus

Gaurav Jain

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.D. Bansal, Advocate
for the petitioners.

Respondent present in person.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of the order dated 21.11.2014 passed by the Judicial Magistrate, Ist Class, Panchkula, whereby the petitioner No.1 has been denied the opportunity to cross-examine the respondent-husband.

On the last date, the following order was passed:-

“Parties are present. They are both young and highly educated. I put it to them whether there are any chances of reconciliation of the marriage, the petitioner states that she would have no objection to trying for reconciliation but the respondent is steadfast that there can be no reconciliation of

the marriage. Both the parties have agreed that they would try to see if some amicable settlement of this dispute is worked out and pray for two days adjournment. The respondent has stated that due to ongoing differences with the petitioner he has not met his child for the past six years. The petitioner states that she would have no objection to bring the child along with her on the next date of hearing.

Adjourned to 14.01.2015.”

At the very outset, the petitioner, who is present in Court, has stated that she does not want anything from the respondent but considering the social and economic status of the respondent if he makes an adequate provision for their young six year old child which would take care of his present maintenance and his future requirements both educational and otherwise, she would have no objection in granting divorce to the respondent and also allowing him whatever visitation is practicable so that the child can have the benefit of company of his father, if not permanently then at least as far as possible. However the respondent, who is present in Court, states that he is not in a position to offer more than Rs.5 to 10 lacs.

To my mind, the offer made by the respondent is ridiculous and beneath consideration. In the circumstances, I propose to decide this petition on merits.

The only prayer made by learned counsel for the petitioners is that one opportunity be granted to the petitioners to cross-examine the respondent because even though it is correct that some opportunities were granted earlier but on the date when the opportunity was denied the learned counsel for the petitioner-wife had to go out of station because his brother-

in-law had to undergo heart surgery. Learned counsel for the petitioners further states that the matter is fixed for tomorrow and he would have no objection in cross-examining the respondent and no prejudice would be caused to the respondent.

The respondent states that he has no objection to this course of action.

In the circumstances, the petition is allowed. The impugned order is set aside and the petitioner No.1 is granted one more opportunity to cross-examine the respondent-husband.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

A copy of this order be given dasti to the learned counsel for the petitioners under the signatures of the Bench Secretary.

January 14, 2015

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**(AJAY TEWARI)
JUDGE**