

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 53 of 2016

- Munna Panda S/O Shri Prafful Panda Aged About 35 Years By Caste Brahman (Panda) R/O Village Govindpur (Taratarni Junction), Thana And Tahsil Purushottampur, Distt. Ganjam (Orissa).

---- Petitioner

Versus

- Smt. Savita Panda W/O Munna Panda Aged About 29 Years R/O Ward No. 20, Manendragarh, Near To The House Of Laxmikant Jaiswal, Thana And Tahsil Manendragarh, Distt. Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha and Mr. Waquar Naiyer,
Advocates

For Respondent : Mr. Anil Gulati, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-08-2016

1. The petitioner has preferred the instant petition against the order dated 4-1-2016 passed by the Family Court, Manendragarh, in Case No.130 of 2013 whereby right to lead evidence of the petitioner was closed.
2. Learned counsel appearing for the petitioner would submit that the petitioner's witnesses were not able to understand Hindi language as such they could not adduce evidence, therefore, the petitioner may be given a chance to lead evidence.
3. On the other hand, learned counsel appearing for the respondent would submit that on 14-1-2016 the petitioner was directed by this Court to place the document on record to evaluate the facts as to how many dates were taken by him for evidence, but till today, copies of the order sheets have not been placed on record, therefore, the petitioner himself has not filed the order

sheets deliberately whereby how many dates were taken by the petitioner could have been evaluated.

4. Perused the order sheet dated 14-1-2016 and the record which would show that till the month of August 2016, the petitioner has not placed on record the certified copy of the order sheets whereby it could have been evaluated as to how many dates have been obtained by the petitioner before his right to evidence is closed.
5. Considering the back-ground of this case and time lapse, it appears that the petitioner is reluctant and casually contesting the case which is filed by the wife under Section 125 of the CrPC and despite having been time granted, the petition is pending one way or the other reason and the petitioner has failed to place on record the order sheets prior to 14-1-2016 what efforts were taken by him and despite eight months time has passed situation remained status quo.
6. In view of the above, only on reading of the order sheet dated 14-1-2016, it cannot be evaluated as to how many dates were taken by the petitioner, only on presumption the petitioner cannot be allowed to lead evidence by extending time.
7. Considering all the facts and circumstances of the case, I do not find any merit in this petition, the same is liable to be and is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

